

EXHIBIT 102

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Patrick Berry, Henrietta Brown, Nadine Little, Dennis Barrow, Virginia Roy, Joel Westvig, Gina Mallek, Daniel Huiting, *on behalf of themselves and a class of similarly-situated individuals*; and ZACAH,

Case No. 20-CV-02189-WMW-JFD

District Judge Wilhelmina Wright
Magistrate Judge John F. Docherty

Plaintiffs,

vs.

**HENNEPIN COUNTY DEFENDANTS’
RESPONSE TO PLAINTIFFS’
SECOND AND THIRD SETS OF
REQUESTS FOR ADMISSION**

Hennepin County; Hennepin County Sheriff David Hutchinson, *in his individual and official capacity*; City of Minneapolis; Minneapolis Mayor Jacob Frey, *in his individual and official capacity*; Medaria Arradondo, *in his individual and official capacity*; Minneapolis Park and Recreation Board; Superintendent of the Minneapolis Park and Recreation Board Al Bangoura, *in his individual and official capacity*; Park Police Chief at the Minneapolis Park and Recreation Board Jason Ohotto, *in his individual and official capacity*; Police Officers John Does; and Police Officer Jane Does,

Defendants.

TO: Plaintiffs, through their attorneys, Justin Perl, Dorinda Wider, Rebecca Stillman, and Luke Grundman, Mid-Minnesota Legal Aid; Teresa Nelson, Clare Diegel, and Ian Bratlie, American Civil Liberties Union of Minnesota; and Isabella Salomão Nascimento, Ballard Spahr LLP; Defendants City of Minneapolis, Mayor Jacob Frey, and Police Chief Medaria Arradondo, through their attorneys, Sharda Enslin and Brian Carter, Minneapolis City Attorney’s Office; and Defendants Minneapolis Park and Recreation Board, Superintendent Al Bangoura, and Park Police Chief Jason Ohotto, through their attorneys, Ann Walther, Brian Rice, and Alana Mosley, Rice, Walther & Mosley LLP.

Defendants Hennepin County and Hennepin County Sheriff David Hutchinson (together, the “Hennepin County Defendants”), for their Response to Plaintiffs’ Second Set of Requests for Admission to Defendant Hennepin County and Plaintiffs’ Third Set of Requests for Admission to Defendant Hennepin County (together, “Second and Third Sets of Requests for Admission”), state and object as follows:

GENERAL OBJECTIONS

The Hennepin County Defendants object to the Second and Third Sets of Requests for Admission to the extent that they seek information protected by the attorney-client privilege, attorney work-product doctrine, or Fed. R. Civ. P. 26(b). The Hennepin County Defendants will not produce communications or information protected from disclosure by the attorney-client privilege or attorney work-product doctrine.

The Hennepin County Defendants also object to the definitions in the Second and Third Sets of Requests for Admission. Specifically, the Hennepin County Defendants object to the definition of “Defendants,” “you,” or “your” as meaning “Hennepin County, Hennepin County Sheriff Hutchinson, and any of their agents, or other representatives.” This definition does not define the terms “agents” or “representatives.” In answering these Requests, the Hennepin County Defendants will understand the terms “Defendants,” “you,” or “your” to mean Hennepin County, Sheriff Hutchinson, or any employee of Hennepin County.

By responding to the Second and Third Sets of Requests for Admission in whole or in part, the Hennepin County Defendants do not waive the general and specific objections made herein. Each Response is made subject to these general objections and any specific objection(s) made during the course of such Response. Investigation by the Hennepin County Defendants is ongoing, and the Hennepin County Defendants reserve the right to withdraw or amend these Responses consistent with the Federal Rules of Civil Procedure.

RESPONSES TO REQUESTS FOR ADMISSION

REQUEST NO. 9: Admit that, when an encampment sits on the property of another municipality and a sweep of the encampment is conducted, the justification(s) for the sweep are not determined by Hennepin County, even if its agents, employees, or representatives are present at the sweep.

Response: The Hennepin County Defendants object to Request No. 9 as vague. The terms “encampment,” “sweep,” “justification,” and “determined” are either undefined or improperly defined, and the Request encompasses a period of more than two years and does not limit “encampment sweeps” by location. For example, the definitions of “sweep” and “encampment,” if read literally, could include the *voluntary* disbandment of even a group of two tents of individuals experiencing homelessness in any location (other than

Hennepin County land) at any time over more than two years. The Hennepin County Defendants further object to Request No. 9 as compound. It asks the Hennepin County Defendants to admit multiple facts about the existence of an “encampment,” the occurrence of a “sweep,” the presence of Hennepin County “agents, employees, or representatives,” Hennepin County’s “determination” of the “justification” for a “sweep,” and the ownership and management of “property” over a multi-year period. The Hennepin County Defendants further object to Request No. 9 as overly broad, unduly burdensome, and seeking information that is not relevant to any claim, defense, or fact at issue in this case, because the Request seeks an admission about any “sweep” for a period of more than two years at any location in the world other than Hennepin County land. Moreover, Judge Wright’s September 27, 2021 order limited Plaintiffs’ claims against the Hennepin County Defendants to state-law claims about alleged seizure of personal property in connection with encampment closures. The Hennepin County Defendants also object to Request No. 9 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants admit only that from May 1, 2020 through September 7, 2022, Hennepin County did not make the final decision to close encampments that were not located on Hennepin County land and therefore did not decide the reasons for closing such encampments.

The Hennepin County Defendants further state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny the remainder of Request No. 9, because the Request is vague and compound, as explained above.

REQUEST NO. 10: Admit that, when an encampment sits on the property of another municipality and a sweep of the encampment is conducted, the justification(s) for the sweep are not known to Hennepin County, even if its agents, employees, or representatives are present at the sweep.

Response: The Hennepin County Defendants object to Request No. 10 as vague. The terms “encampment,” “sweep,” “justification,” and “known” are either undefined or improperly defined, and the Request encompasses a period of more than two years and does not limit “encampment sweeps” by location. For example, the definitions of “sweep” and “encampment,” if read literally, could include the *voluntary* disbandment of even a group of two tents of individuals experiencing homelessness in any location (other than Hennepin County land) at any time over more than two years. The Hennepin County Defendants further object to Request No. 10 as compound. It asks the Hennepin County Defendants to admit multiple facts about the existence of an “encampment,” the occurrence of a “sweep,” the presence of Hennepin County “agents, employees, or representatives,” Hennepin County’s knowledge of the “justification” for a “sweep,” and the ownership and management of “property” over a multi-year period. The Hennepin County Defendants

further object to Request No. 10 as overly broad, unduly burdensome, and seeking information that is not relevant to any claim, defense, or fact at issue in this case, because the Request seeks an admission about any “sweep” for a period of more than two years at any location in the world other than Hennepin County land. Moreover, Judge Wright’s September 27, 2021 order limited Plaintiffs’ claims against the Hennepin County Defendants to state-law claims about alleged seizure of personal property in connection with encampment closures. The Hennepin County Defendants also object to Request No. 10 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants admit only that from May 1, 2020, through September 7, 2022: (1) Hennepin County did not make the final decision to close encampments that were not located on Hennepin County land and therefore did not decide the reasons for closing such encampments; and (2) Hennepin County lacked knowledge of the exact thinking of another municipality’s decisionmakers when those decisionmakers decided to close an encampment on that municipality’s land. The Hennepin County Defendants deny that that from May 1, 2020, through September 7, 2022, Hennepin County’s employees knew nothing about the reasons a municipality may have decided to close an encampment.

The Hennepin County Defendants further state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny the remainder of Request No. 10, because the Request is vague and compound, as explained above.

REQUEST NO. 11: Admit that, while Governor Tim Walz’s Executive Order 20-47 was in effect, when an encampment sat on the property of another municipality and a sweep of the encampment was conducted, Hennepin County did not do its own assessment of whether the sweep is allowable under Executive Order 20-47, even if its agents, employees, or representatives were present at the sweep.

Response: The Hennepin County Defendants object to Request No. 11 as vague. The terms “encampment,” “sweep,” “assessment,” and “allowable” are either undefined or improperly defined, and the Request does not limit “encampment sweeps” by location or a definite period of time. For example, the definitions of “sweep” and “encampment,” if read literally, could include the *voluntary* disbandment of even a group of two tents of individuals experiencing homelessness in any location (other than Hennepin County land) at any time over a period of weeks or months. The Hennepin County Defendants further object to Request No. 11 as compound. It asks the Hennepin County Defendants to admit multiple facts, and application of law to facts, about the time when Executive Order 20-47 “was in effect,” the existence of an “encampment,” the occurrence of a “sweep,” the presence of Hennepin County “agents, employees, or representatives,” Hennepin County’s assessment of the “allowability” of a “sweep,” and the ownership and management of

“property” over a period of weeks or months. The Hennepin County Defendants further object to Request No. 11 as overly broad, unduly burdensome, and seeking information that is not relevant to any claim, defense, or fact at issue in this case, because the Request seeks an admission about any “sweep” for an undefined period at any location in the world other than Hennepin County land. Moreover, Judge Wright’s September 27, 2021 order limited Plaintiffs’ claims against the Hennepin County Defendants to state-law claims about alleged seizure of personal property in connection with encampment closures. The Hennepin County Defendants also object to Request No. 11 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 11.

REQUEST NO. 12: Admit that, while Governor Tim Walz’s Executive Order 20-55 was in effect, when an encampment sat on the property of another municipality and a sweep of the encampment was conducted, Hennepin County did not do its own assessment of whether the sweep was allowable under Executive Order 20-55, even if its agents, employees, or representatives were present at the sweep.

Response: The Hennepin County Defendants object to Request No. 12 as vague. The terms “encampment,” “sweep,” “assessment,” and “allowable” are either undefined or improperly defined, and the Request does not limit “encampment sweeps” by location or a definite period of time. For example, the definitions of “sweep” and “encampment,” if read literally, could include the *voluntary* disbandment of even a group of two tents of individuals experiencing homelessness in any location (other than Hennepin County land) at any time over a period of weeks or months. The Hennepin County Defendants further object to Request No. 12 as compound. It asks the Hennepin County Defendants to admit multiple facts, and application of law to facts, about the time when Executive Order 20-55 “was in effect,” the existence of an “encampment,” the occurrence of a “sweep,” the presence of Hennepin County “agents, employees, or representatives,” Hennepin County’s assessment of the “allowability” of a “sweep,” and the ownership and management of “property” over a period of weeks or months. The Hennepin County Defendants further object to Request No. 12 as overly broad, unduly burdensome, and seeking information that is not relevant to any claim, defense, or fact at issue in this case, because the Request seeks an admission about any “sweep” for an undefined period at any location in the world other than Hennepin County land. Moreover, Judge Wright’s September 27, 2021 order limited Plaintiffs’ claims against the Hennepin County Defendants to state-law claims about alleged seizure of personal property in connection with encampment closures. The Hennepin County Defendants also object to Request No. 12 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 12.

REQUEST NO. 13: Admit that, when an encampment sits on the property of another municipality and a sweep of the encampment is conducted, Hennepin County does not determine whether shelter space exists elsewhere for the residents of the encampment, even if Hennepin County agents, employees, or representatives are present at the sweep.

Response: The Hennepin County Defendants object to Request No. 13 as vague. The terms “encampment,” “sweep,” “determine,” “shelter space,” “elsewhere,” and “residents” are either undefined or improperly defined, and the Request encompasses a period of more than two years and does not limit “encampment sweeps” or “shelter space” by location. For example, the definitions of “sweep” and “encampment,” if read literally, could include the *voluntary* disbandment of even a group of two tents of individuals experiencing homelessness in any location (other than Hennepin County land) at any time over more than two years. Moreover, Request No. 13 does not define the point in time when a “determination” of “shelter space” might be made. The Hennepin County Defendants further object to Request No. 13 as compound. It asks the Hennepin County Defendants to admit multiple facts about the existence of an “encampment,” the occurrence of a “sweep,” the presence of Hennepin County “agents, employees, or representatives,” the ownership and management of “property,” and Hennepin County’s “determination” of the existence of “shelter space . . . for residents” at any location over a multi-year period. The Hennepin County Defendants further object to Request No. 13 as overly broad, unduly burdensome, and seeking information that is not relevant to any claim, defense, or fact at issue in this case, because the Request seeks an admission about any “sweep” for a period of more than two years at any location in the world other than Hennepin County land. Moreover, Judge Wright’s September 27, 2021 order limited Plaintiffs’ claims against the Hennepin County Defendants to state-law claims about alleged seizure of personal property in connection with encampment closures. The Hennepin County Defendants also object to Request No. 13 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 13.

REQUEST NO. 14: Admit that, when an encampment sits on the property of another municipality and a sweep of the encampment is conducted, whether shelter space exists elsewhere for the residents of the encampment is not known to Hennepin County, even if Hennepin County agents, employees, or representatives are present at the sweep.

Response: The Hennepin County Defendants object to Request No. 14 as vague. The terms “encampment,” “sweep,” “shelter space,” “elsewhere,” “residents,” and “known” are either undefined or improperly defined, and the Request encompasses a period of more than two years and does not limit “encampment sweeps” or “shelter space” by location. For example, the definitions of “sweep” and “encampment,” if read literally, could include the *voluntary* disbandment of even a group of two tents of individuals

experiencing homelessness in any location (other than Hennepin County land) at any time over more than two years. Moreover, Request No. 14 does not define the point in time when “shelter space” might exist for individuals camping in an encampment. The Hennepin County Defendants further object to Request No. 14 as compound. It asks the Hennepin County Defendants to admit multiple facts about the existence of an “encampment,” the occurrence of a “sweep,” the presence of Hennepin County “agents, employees, or representatives,” the ownership and management of “property,” and Hennepin County’s “knowledge” of the existence of “shelter space . . . for residents” at any location over a multi-year period. The Hennepin County Defendants further object to Request No. 14 as overly broad, unduly burdensome, and seeking information that is not relevant to any claim, defense, or fact at issue in this case, because the Request seeks an admission about any “sweep” for a period of more than two years at any location in the world other than Hennepin County land. Moreover, Judge Wright’s September 27, 2021 order limited Plaintiffs’ claims against the Hennepin County Defendants to state-law claims about alleged seizure of personal property in connection with encampment closures. The Hennepin County Defendants also object to Request No. 14 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 14.

REQUEST NO. 15: Admit that, under Executive Order 20-47, the existence of an encampment was itself a negative factor in Hennepin County’s determination whether an encampment had reached a status that threatened health, safety or security of residents.

Response: The Hennepin County Defendants object to Request No. 15 as vague. The terms “encampment,” “negative factor,” “determination,” and “residents” are either undefined or improperly defined, and the Request encompasses a period of more than two years and does not limit “encampments” by location. The Hennepin County Defendants further object to Request No. 15 as compound. It asks the Hennepin County Defendants to admit multiple facts, and application of law to facts, about the meaning of Executive Order 20-47, the existence of an “encampment,” Hennepin County’s “determination” of the “status” of an “encampment,” and “threats” to “health, safety, or security of residents” at any location over a multi-year period. The Hennepin County Defendants further object to Request No. 15 as overly broad, unduly burdensome, and seeking information that is not relevant to any claim, defense, or fact at issue in this case, because the Request seeks an admission about any “encampment” for a period of more than two years at any location, including encampments that were not located Hennepin County land. Moreover, Judge Wright’s September 27, 2021 order limited Plaintiffs’ claims against the Hennepin County Defendants to state-law claims about alleged seizure of personal property in connection with encampment closures. The Hennepin County Defendants also object to Request No. 15 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants admit only that from May 1, 2020, through September 7, 2022, Hennepin County considered encampments of individuals experiencing homelessness in Hennepin County to be inherently unsafe to the individuals camping in the encampments, but did not consider that inherent unsafety to be equivalent to “reach[ing] a size or status that is a documented threat to the health, safety or security of residents” under Executive Order 20-47, paragraph 1(ii).

The Hennepin County Defendants further state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny the remainder of Request No. 15, because the Request is vague and compound, as explained above.

REQUEST NO. 16: Admit that, under Executive Order 20-55, the existence of an encampment was itself a negative factor in Hennepin County’s determination whether an encampment had reached a status that threatened health, safety or security of residents.

Response: The Hennepin County Defendants object to Request No. 16 as vague. The terms “encampment,” “negative factor,” “determination,” and “residents” are either undefined or improperly defined, and the Request encompasses a period of more than two years and does not limit “encampments” by location. The Hennepin County Defendants further object to Request No. 16 as compound. It asks the Hennepin County Defendants to admit multiple facts, and application of law to facts, about the meaning of Executive Order 20-55, the existence of an “encampment,” Hennepin County’s “determination” of the “status” of an “encampment,” and “threats” to “health, safety, or security of residents” at any location over a multi-year period. The Hennepin County Defendants further object to Request No. 16 as overly broad, unduly burdensome, and seeking information that is not relevant to any claim, defense, or fact at issue in this case, because the Request seeks an admission about any “encampment” for a period of more than two years at any location, including encampments that were not located Hennepin County land. Moreover, Judge Wright’s September 27, 2021 order limited Plaintiffs’ claims against the Hennepin County Defendants to state-law claims about alleged seizure of personal property in connection with encampment closures. The Hennepin County Defendants also object to Request No. 16 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants admit only that from May 1, 2020, through September 7, 2022, Hennepin County considered encampments of individuals experiencing homelessness in Hennepin County to be inherently unsafe to the individuals camping in the encampments, but did not consider that inherent unsafety to be equivalent to “reach[ing] a size or status that is a documented threat to the health, safety or security of residents” under Executive Order 20-55, paragraph 5.

The Hennepin County Defendants further state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny the remainder of Request No. 16, because the Request is vague and compound, as explained above.

REQUEST NO. 17: Admit that Hennepin County did not provide Plaintiff Patrick Berry notice of the forthcoming sweep before the sweep of the encampment at Powderhorn Park on or about August 14, 2020.

Response: The Hennepin County Defendants object to Request No. 17 as vague. The terms “encampment,” “sweep,” and “notice” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 17 as seeking information out of their possession, custody, and control. Specifically, the Hennepin County Defendants spoke to individuals located in encampments about encampment closures, but they cannot determine exactly who received that notice, since individuals located in the encampments did not always identify themselves by name to the Hennepin County Defendants, and the closure of the Powderhorn Park West encampment occurred more than two years ago. The Hennepin County Defendants also object to Request No. 17 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny Request No. 17, because, as described above, it is impossible for the Hennepin County Defendants to identify each and every individual with whom they spoke about the closure of the Powderhorn Park West encampment more than two years after that closure occurred. In addition, Exhibit 1 to Plaintiffs’ Amended Class Action Complaint indicates that, on July 31, 2020, the Minneapolis Park and Recreation Board (“MPRB”) gave individuals camping at the Powderhorn Park West encampment “notices to transition” out of the encampment and made other efforts to move those individuals to other locations. As to Berry specifically, Berry testified that they were aware of “rumors” before the Powderhorn Park West encampment was closed that the MPRB would close the encampment. Further, Request No. 17 is vague, as described above.

REQUEST NO. 18: Admit that Hennepin County does not know whether Plaintiff Patrick Berry was provided notice of the forthcoming sweep by any other government entity before the sweep of the encampment at Powderhorn Park on or about August 14, 2020.

Response: The Hennepin County Defendants object to Request No. 18 as vague. The terms “encampment,” “sweep,” “notice,” and “know” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 18 as

premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants admit only that whether another government entity provided “notice” of the closure of the Powderhorn Park West encampment to Plaintiff Patrick Berry is outside of their possession, custody, and control, because it is impossible for the Hennepin County Defendants to identify each and every individual whom they may have witnessed receiving notice of the encampment closure from another government entity—particularly since individuals located in the encampments did not always identify themselves by name to the Hennepin County Defendants, and the closure occurred more than two years ago. In addition, Exhibit 1 to Plaintiffs’ Amended Class Action Complaint indicates that, on July 31, 2020, the MPRB gave individuals camping at the Powderhorn Park West encampment “notices to transition” out of the encampment and made other efforts to move those individuals to other locations. As to Berry specifically, Berry testified that they were aware of “rumors” before the Powderhorn Park West encampment was closed that the MPRB would close the encampment.

The Hennepin County Defendants further state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny the remainder of Request No. 18, because the Request is vague, as explained above.

REQUEST NO. 19: Admit that Hennepin County did not provide Plaintiff Henrietta Brown notice of the forthcoming sweep before the sweep of the encampment at Peavey Park on or about September 24, 2020.

Response: The Hennepin County Defendants object to Request No. 19 as vague. The terms “encampment,” “sweep,” and “notice” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 19 as seeking information out of their possession, custody, and control. Specifically, the Hennepin County Defendants spoke to individuals located in encampments about encampment closures, but they cannot determine exactly who received that notice, since individuals located in the encampments did not always identify themselves by name to the Hennepin County Defendants, and the closure of the Peavey Park encampment occurred approximately two years ago. The Hennepin County Defendants also object to Request No. 19 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny Request No. 19, because, as described above, it is impossible for the Hennepin County Defendants to identify each and

every individual with whom they spoke about the closure of the Peavey Park encampment approximately two years after that closure occurred. In addition, Exhibit 1 to Plaintiffs' Amended Class Action Complaint indicates that, on August 10, 2020, the "MPRB issued notices to vacate" to the individuals camping in Peavey Park. Further, Request No. 19 is vague, as described above.

REQUEST NO. 20: Admit that Hennepin County does not know whether Plaintiff Henrietta Brown was provided notice of the forthcoming sweep by any other government entity before the sweep of the encampment at Peavey Park on or about September 24, 2020.

Response: The Hennepin County Defendants object to Request No. 20 as vague. The terms "encampment," "sweep," "notice," and "know" are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 20 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants admit only that whether another government entity provided "notice" of the closure of the Peavey Park encampment to Plaintiff Henrietta Brown is outside of their possession, custody, and control, because it is impossible for the Hennepin County Defendants to identify each and every individual whom they may have witnessed receiving notice of the encampment closure from another government entity—particularly since individuals located in the encampments did not always identify themselves by name to the Hennepin County Defendants, and the closure occurred more than two years ago. In addition, Exhibit 1 to Plaintiffs' Amended Class Action Complaint indicates that, on August 10, 2020, the "MPRB issued notices to vacate" to the individuals camping in Peavey Park.

The Hennepin County Defendants further state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny the remainder of Request No. 20, because the Request is vague, as explained above.

REQUEST NO. 21: Admit that Hennepin County did not provide Plaintiff Nadine Little notice of the forthcoming sweep before the sweep of the encampment at Kenwood Park on or about August 12, 2020.

Response: The Hennepin County Defendants object to Request No. 21 as vague. The terms "encampment," "sweep," and "notice" are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 21 as seeking information out of their possession, custody, and control. Specifically, the Hennepin County Defendants spoke to individuals located in encampments about encampment closures, but they cannot determine exactly who received that notice, since individuals located in the encampments did not always identify themselves by name to the Hennepin

County Defendants, and the closure of the Kenwood Park encampment occurred more than two years ago. The Hennepin County Defendants also object to Request No. 21 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny Request No. 21, because, as described above, it is impossible for the Hennepin County Defendants to identify each and every individual with whom they spoke about the closure of the Kenwood Park encampment more than two years after that closure occurred. In addition, Exhibit 1 to Plaintiffs' Amended Class Action Complaint indicates that, on August 11, 2020, the MPRB issued "notices to vacate" to the individuals camping in Kenwood Park. As to Little specifically, the Amended Class Action Complaint pleads, and Little testified, that she "received an eviction notice" before the MPRB closed the Kenwood encampment. Further, Request No. 21 is vague, as described above.

REQUEST NO. 22: Admit that Hennepin County does not know whether Plaintiff Nadine Little was provided notice of the forthcoming sweep by any other government entity before the sweep of the encampment at Kenwood Park on or about August 12, 2020.

Response: The Hennepin County Defendants object to Request No. 22 as vague. The terms "encampment," "sweep," "notice," and "know" are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 22 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 22.

REQUEST NO. 23: Admit that Hennepin County did not provide Plaintiff Joel Westvig notice of the forthcoming sweep before the sweep of the encampment at B.F. Nelson Park in 2020.

Response: The Hennepin County Defendants object to Request No. 23 as vague. The terms "encampment," "sweep," and "notice" are either undefined or improperly defined. Among other things, the Hennepin County Defendants understand that the MPRB did not close the encampment at B.F. Nelson Park, but that this encampment voluntarily disbanded. The Hennepin County Defendants also object to Request No. 23 as seeking information out of their possession, custody, and control. Specifically, the Hennepin County Defendants spoke to individuals located in encampments about encampment closures, but they cannot determine exactly who received that notice, since individuals located in the encampments did not always identify themselves by name to the Hennepin

County Defendants, and the voluntary disbandment of the B.F. Nelson Park encampment occurred more than two years ago. The Hennepin County Defendants also object to Request No. 23 as premature and as seeking information more appropriately sought under other discovery rules. The Hennepin County Defendants further object to Request No. 23 as seeking information that is not relevant to any claim, defense, or fact at issue in this case, because the claims against the Hennepin County Defendants are limited to claims about alleged seizure of personal property, and Plaintiff Joel Westvig does not claim that he lost any personal property.

Subject to and without waiving any objections, the Hennepin County Defendants state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny Request No. 23, because, as described above, it is impossible for the Hennepin County Defendants to identify each and every individual with whom they spoke about the voluntary disbandment of the B.F. Nelson Park encampment more than two years after that closure occurred. In addition, the Amended Class Action Complaint pleads, and Westvig testified, that an MPRB employee told “all of the encampment residents that they had to leave” the B.F. Nelson Park encampment. Further, Request No. 23 is vague, as described above.

REQUEST NO. 24: Admit that Hennepin County does not know whether Plaintiff Joel Westvig was provided notice of the forthcoming sweep by any other government entity before the sweep of the encampment at B.F. Nelson Park in 2020.

Response: The Hennepin County Defendants object to Request No. 24 as vague. The terms “encampment,” “sweep,” “notice,” and “know” are either undefined or improperly defined. Among other things, the Hennepin County Defendants understand that the MPRB did not close the encampment at B.F. Nelson Park, but that this encampment voluntarily disbanded. The Hennepin County Defendants also object to Request No. 24 as premature and as seeking information more appropriately sought under other discovery rules. The Hennepin County Defendants further object to Request No. 24 as seeking information that is not relevant to any claim, defense, or fact at issue in this case, because the claims against the Hennepin County Defendants are limited to claims about alleged seizure of personal property, and Plaintiff Joel Westvig does not claim that he lost any personal property.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 24.

REQUEST NO. 25: Admit that Hennepin County did not provide Plaintiff Gina Mallek notice of the forthcoming sweep before the sweep of the encampment at Powderhorn Park on or about July 20, 2020.

Response: The Hennepin County Defendants object to Request No. 25 as vague. The terms “encampment,” “sweep,” and “notice” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 25 as seeking information out of their possession, custody, and control. Specifically, the Hennepin County Defendants spoke to individuals located in encampments about encampment closures, but they cannot determine exactly who received that notice, since individuals located in the encampments did not always identify themselves by name to the Hennepin County Defendants, and the closure of the Powderhorn Park East encampment occurred more than two years ago. The Hennepin County Defendants also object to Request No. 25 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny Request No. 25, because, as described above, it is impossible for the Hennepin County Defendants to identify each and every individual with whom they spoke about the closure of the Powderhorn Park East encampment more than two years after that closure occurred. In addition, Exhibit 1 to Plaintiffs’ Amended Class Action Complaint indicates that, on July 18, 2020, the MPRB issued notices to individuals camping in the Powderhorn Park East encampment that they needed to leave the encampment within 72 hours. Mallek also testified that she was only at the Powderhorn Park East encampment for one night before the MPRB’s closure of that encampment, but it seemed like individuals located in the encampment “kind of knew” the encampment would be closed. Further, Request No. 25 is vague, as described above.

REQUEST NO. 26: Admit that Hennepin County does not know whether Plaintiff Gina Mallek was provided notice of the forthcoming sweep by any other government entity before the sweep of the encampment at Kenwood Park on or about July 20, 2020.

Response: The Hennepin County Defendants object to Request No. 26 as vague. The terms “encampment,” “sweep,” “notice,” and “know” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 26 as premature and as seeking information more appropriately sought under other discovery rules. The Hennepin County Defendants further object to Request No. 26 because it relies on erroneous factual premises, including that the Kenwood Park encampment was closed on July 20, 2020. The Hennepin County Defendants further object to Request No. 26 as seeking information that is not relevant to any claim, defense, or fact at issue in this case, because Plaintiff Gina Mallek does not claim that she was at the Kenwood Park encampment when it was closed or that she lost any personal property as part of that closure.

Subject to and without waiving any objections, the Hennepin County Defendants admit only that whether another government entity provided “notice” of the closure of the

Kenwood Park encampment to Plaintiff Gina Mallek is outside of their possession, custody, and control, because it is impossible for the Hennepin County Defendants to identify each and every individual whom they may have witnessed receiving notice of the encampment closure from another government entity—particularly since individuals camping in the encampments did not always identify themselves by name to the Hennepin County Defendants, and the closure occurred more than two years ago.

The Hennepin County Defendants further state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny the remainder of Request No. 26, because the Request is vague, as explained above.

REQUEST NO. 27: Admit that Hennepin County did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at Powderhorn Park on or about July 20, 2020.

Response: The Hennepin County Defendants object to Request No. 27 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 27 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 27.

REQUEST NO. 28: Admit that Hennepin County did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at Elliot Park on or about August 12, 2020.

Response: The Hennepin County Defendants object to Request No. 28 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 28 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 28.

REQUEST NO. 29: Admit that Hennepin County did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at Kenwood Park on or about August 12, 2020.

Response: The Hennepin County Defendants object to Request No. 29 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 29 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 29.

REQUEST NO. 30: Admit that Hennepin County did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at Peavey Park on or about September 24, 2020.

Response: The Hennepin County Defendants object to Request No. 30 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 30 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 30.

REQUEST NO. 31: Admit that Hennepin County did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at 17th and Cedar in Minneapolis on or about May 29, 2020.

Response: The Hennepin County Defendants object to Request No. 31 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 31 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 31.

REQUEST NO. 32: Admit that Hennepin County did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at the Sabo Bridge on or about May 28 or 29, 2020.

Response: The Hennepin County Defendants object to Request No. 32 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 32 as

premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 32.

REQUEST NO. 33: Admit that Hennepin County did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at Stevens Avenue on or about May 29, 2020.

Response: The Hennepin County Defendants object to Request No. 33 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 33 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 33.

REQUEST NO. 34: Admit that Hennepin County did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at Powderhorn Park on or about August 14, 2020.

Response: The Hennepin County Defendants object to Request No. 34 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 34 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 34.

REQUEST NO. 35: Admit that Hennepin County did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at the Wall of Forgotten Natives in or around September or October, 2020.

Response: The Hennepin County Defendants object to Request No. 35 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 35 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 35.

REQUEST NO. 36: Admit that Hennepin County did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at the Mall on or about December 10, 2020.

Response: The Hennepin County Defendants object to Request No. 36 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 36 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants state that they have made a reasonable inquiry, and the information they know or can readily obtain is insufficient to enable them to admit or deny Request No. 36, because the Request is vague, as described above, and the closure of the Mall encampment occurred nearly two years ago. In addition, the MPRB’s current “Encampments” webpage, available at <https://www.minneapolisparcs.org/encampments/> (an earlier version of which is Exhibit 1 to Plaintiffs’ Amended Class Action Complaint), indicates that, on November 30 and December 7, 2020, the MPRB issued notices to individuals camping in the Mall encampment that they needed to leave the encampment within 72 hours.

REQUEST NO. 37: Admit that Hennepin did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at B.F. Nelson Park in 2020.

Response: The Hennepin County Defendants object to Request No. 37 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. Among other things, the Hennepin County Defendants understand that the MPRB did not close the encampment at B.F. Nelson Park, but that this encampment voluntarily disbanded. The Hennepin County Defendants also object to Request No. 37 as premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 37.

REQUEST NO. 38: Admit that Hennepin County did not provide notice of the forthcoming sweep to any resident before the sweep of the encampment at the Nicollet Avenue Bridge in 2020.

Response: The Hennepin County Defendants object to Request No. 38 as vague. The terms “encampment,” “sweep,” “notice,” and “resident” are either undefined or improperly defined. The Hennepin County Defendants also object to Request No. 38 as

premature and as seeking information more appropriately sought under other discovery rules.

Subject to and without waiving any objections, the Hennepin County Defendants deny Request No. 38.

MICHAEL O. FREEMAN
Hennepin County Attorney

Dated: October 6, 2022

By: s/ Christiana M. Martenson

Kelly K. Pierce (0340716)
Assistant County Attorney
Christiana M. Martenson (0395513)
Assistant County Attorney
A2000 Government Center, MC200
300 South Sixth Street
Minneapolis, MN 55487
Telephone: (612) 348-5488
Fax: (612) 348-8299
kelly.pierce@hennepin.us
christiana.martenson@hennepin.us

*Attorneys for Defendants Hennepin County and
Hennepin County Sheriff David Hutchinson*

EXHIBIT 103

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Civil File No. 20-cv-02189 WMW/JFD

Patrick Berry, Henrietta Brown,
Nadine Little, Dennis Barrow, Virginia Roy,
Joel Westvig, Emmett Williams, Gina Mallek,
Daniel Huiting, on behalf of themselves
and a class of similarly-situated individuals;
and ZACAH,

Plaintiffs,

vs.

Hennepin County; Hennepin County Sheriff
David Hutchinson, in his individual and official
capacity; City of Minneapolis; Minneapolis Mayor
Jacob Frey, in his individual and official capacity;
Minneapolis Chief of Police Medaria Arradondo,
in his individual and official capacity;
Superintendent Al Bangoura, in his individual and
official capacity; Park Police Chief at the
Minneapolis Park and Recreation Board Jason Ohotto,
in his individual and official capacity;
Police Officers John Does; and Police Officers
Jane Does,

Defendants.

VIDEOTAPED DEPOSITION OF
DAVID HEWITT

DATE: February 13, 2023
TIME: 9:00 a.m.
PLACE: Ballard Spahr, LLP
2000 IDS Center
80 South Eighth Street
Minneapolis, Minnesota

REPORTED BY: Christine K. Herman, RPR, CRR

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFFS:

MID-MINNESOTA LEGAL AID

By: Rebecca Stillman, Esq.
111 North Fifth Street, Suite 100
Minneapolis, Minnesota 55403
Phone: (612)332-1441
Email: rstillman@mylegalaid.org

- and -

AMERICAN CIVIL LIBERTIES UNION OF MINNESOTA

By: Clare Diegel, Esq.
Box 14720
Minneapolis, Minnesota 55414
Phone: (651)274-7791
Email: cdiegel@aclu-mn.org

ON BEHALF OF HENNEPIN COUNTY, HENNEPIN COUNTY SHERIFF
DAVID HUTCHINSON, AND THE WITNESS:

HENNEPIN COUNTY ATTORNEY'S OFFICE

By: Kelly K. Pierce, Esquire
Christiana Martenson, Esquire
Hennepin County Government Center
300 South 6th Street
Minneapolis, Minnesota 55487
Phone: (612)348-5550
Email: kelly.pierce@hennepin.us
christiana.martenson@hennepin.us

ON BEHALF OF THE CITY OF MINNEAPOLIS, MINNEAPOLIS MAYOR
JACOB FREY, AND MINNEAPOLIS CHIEF OF POLICE

MEDARIA ARRADONDO:

MINNEAPOLIS CITY ATTORNEY'S OFFICE:

By: Sharda Enslin, Esquire
Municipal Building
350 South 5th Street, Room 210
Minneapolis, Minnesota 55415
Phone: (612)673-2010
Email: sharda.enslin@minneapolismn.gov

1 ON BEHALF OF THE MINNEAPOLIS PARK AND RECREATION BOARD,
2 SUPERINTENDENT AL BANGOURA AND PARK POLICE CHIEF

3 JASON OHOTTO:

4 RICE, WALTHER & MOSLEY, LLP

By: Ann E. Walther, Esquire

10 Second Street NE, Suite 206

Minneapolis, Minnesota 55413

5 Phone: (612)676-2300

Email: awalther@ricemichels.com

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1 INDEX:

2 PAGE:

3 WITNESS: DAVID HEWITT

4 Examination by Ms. Stillman 9

5

6 EXHIBITS MARKED:

7 NUMBER 205 77

8 Email String

9 Subject: FW: [EXTERNAL] Please keep confidential

10 MPLS_BERRY075298

11 NUMBER 206 77

12 Attachment to Exhibit 205

13 Encampment_Response Process DRAFT332 1_JRO

14 edits AEWjbr.docx

15 MPLS-BERRY075299 - 75303

16 NUMBER 207 143

17 Email String

18 RE: [External] FW: Logan Park Encampment Updates

19 HC00028407 - 28418

20 NUMBER 208 148

21 Talking points - Midtown Greenway encampment 12/15

22 NUMBER 209 183

23 Email String, Subject: FW: [External]

24 RE: Names I had received on Tuesday when at

25 Powderhorn, NHC00012482 - 12488

1 NUMBER 210 188
2 Email String
3 Subject: FW: [External] Re: Hello
4 HC00038855 - 38857
5 NUMBER 211 191
6 Email String
7 Subject: RE: [External] Updates on Hotel
8 HC00033851 - 33852
9 NUMBER 212 198
10 Email String
11 Subject: Re: [External] mission of Rescue Now
12 Strong Tower Parish / Freedom from the Streets
13 HC00014605 - 14608
14 NUMBER 213 203
15 Email String
16 Subject: RE: [External] Fwd: Fw: Respite Stay
17 HC00033813 - 33816
18
19 NUMBER 214 208
20 Email String
21 Subject: Re: [External] Thank you and a question
22 HC00040377 - 40384
23
24
25

1 NUMBER 215 219

2 Email String

3 Subject: RE: [External] SSHS Street Outreach

4 Summary 10/5 - 11

5 HC00019269 - 19275

6 NUMBER 216 228

7 Email String

8 Subject: Fwd: [External] Follow up to LTH Housing

9 discussion (1/4) & Coordinated Entry

10 No Bates

11 NUMBER 217 241

12 Email

13 Subject: [EXTERNAL] Encampment Response

14 MPLS_BERRY059616

15 NUMBER 218 242

16 Attachment to Exhibit 217

17 Street Outreach and Responding to Encampments

18 4.16.21

19 MPLS_BERRY059617 - 59624

20 NUMBER 219 242

21 Attachment to Exhibits 217

22 Necessary Entities in Responding to Encampments

23 MPLS_BERRY059627 - 59631

24

25

1 PREVIOUSLY MARKED EXHIBITS REFERENCED:

2 NUMBER 137 106

3 NUMBER 174 129

4 NUMBER 200 145

5
6
7
8
9 Certificate of Witness 277

10 Certificate of Court Reporter 279

11
12
13 REPORTER'S NOTE: All quotations from exhibits are
14 reflected in the manner in which they were read into
15 the record and do not necessarily indicate an exact
16 quote from the document.
17
18
19
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25

P R O C E E D I N G S

THE VIDEOGRAPHER: We are going on the record at 9:02 a.m. Central time on February 16th, 2023.

This is Media Unit Number 1 of the video-recorded deposition of David Hewitt, taken in the matter of Berry, et al., vs. Hennepin County, et al., filed in the U.S. District Court, District of Minnesota, Case No. 20-cv-02189 WMW/JFD.

The location of this deposition is Ballard Spahr law firm in Minneapolis, Minnesota.

My name is Kraig Hildahl, representing Veritext Legal Solutions, and I'm the videographer. The court reporter today is Christine Herman, also with Veritext.

Will counsel please identify themselves for the record.

MS. STILLMAN: Rebecca Stillman, counsel for plaintiffs.

MS. DIEGEL: Clare Diegel, counsel for plaintiffs.

MS. PIERCE: Kelly Pierce on behalf of the Hennepin County defendants and the witness.

MS. MARTENSON: Christiana Martenson, on

1 behalf of the Hennepin County defendants.

2 MS. ENSLIN: Sharda Enslin on behalf of
3 the City defendants.

4 MS. WALTHER: Ann Walther on behalf of the
5 Minneapolis Park and Recreation Board.

6 THE VIDEOGRAPHER: Will the court reporter
7 please swear in the witness, and then we can
8 proceed.

9 Whereupon,

10 DAVID HEWITT,

11 a witness in the above-entitled matter,

12 after having been first duly sworn,

13 deposes and says as follows:

14 EXAMINATION

15 BY MS. STILLMAN:

16 Q. Good morning, Mr. Hewitt.

17 A. Good morning.

18 Q. My name is Rebecca Stillman. As we just
19 said, I am counsel for plaintiffs in this matter. I
20 just wanted to go over a few basic things with you
21 before we get started.

22 Do you understand that your answers are
23 under oath today as if given in a court of law?

24 A. I do.

25 Q. And do you understand that, under certain

1 circumstances, this testimony could be shown to a
2 jury?

3 A. I do.

4 Q. And it is your responsibility to answer
5 truthfully and as completely as possible?

6 A. I do.

7 Q. And you must respond audibly, not by
8 shaking your head or nodding, as there's a court
9 reporter taking down everything we're saying today?

10 A. I understand that. Remind me if I forget.

11 Q. We will. Well, the court reporter
12 probably will. Or Ms. Pierce.

13 If you -- I ask you a question that you do
14 not understand, please let me know, and I will
15 rephrase it for you.

16 Can you do that?

17 A. Sure.

18 Q. And if you answer a question without
19 asking me to rephrase it, can I assume you
20 understand the question?

21 A. Yes.

22 Q. If you have to take a break for any
23 reason, that's not a problem, so long as there's no
24 question pending. If you need to take a break,
25 answer the question, and then, after you answer,

1 we'll take the break.

2 A. Understood.

3 Q. Are there any circumstances that would
4 affect your ability to testify completely and
5 truthfully today?

6 A. No.

7 Q. Are you on any medications that would
8 affect your memory or your ability to testify
9 truthfully?

10 A. No.

11 Q. Any alcohol or drugs that would affect
12 your memory or your ability to testify truthfully?

13 A. No.

14 Q. All right. What did you do to prepare for
15 your deposition today?

16 A. I met with Kelly and the team on a couple
17 of occasions.

18 Q. Okay. And just as a reminder, don't tell
19 me anything that you've discussed with your attorney
20 when I ask this at all during the deposition.

21 How many times did you meet with your
22 attorneys?

23 A. Twice.

24 Q. How long each time?

25 A. Three hours-ish. Perhaps a little less.

1 Q. Did you discuss this deposition with
2 anyone other than counsel?

3 A. Not in preparation. I mean, the -- the
4 fact that I would be participating in this
5 deposition, I informed my line manager, for
6 instance.

7 Q. Okay. Did you review any documents when
8 you were meeting with counsel to prepare for this
9 deposition?

10 A. Yes.

11 Q. What documents?

12 A. I would not be able to give you a -- a
13 comprehensive list.

14 Q. Did you review emails?

15 A. We did review some emails.

16 Q. Did you review answers to interrogatories?

17 A. Yes.

18 Q. Did you bring anything with you today?

19 A. This coffee mug.

20 Q. Did any of the documents you reviewed in
21 preparation for this deposition refresh your
22 recollection about any facts?

23 A. Yes. I mean, we're looking at material
24 from two and a half years ago, so -- three years,
25 almost, in some cases.

1 Q. And what -- what were those documents?

2 A. As you've described, emails, the
3 interrogatories.

4 Q. You signed the interrogatories on behalf
5 of Hennepin County, correct?

6 A. Yes.

7 Q. And when did you sign those?

8 A. I couldn't tell you the date off the top
9 of my head.

10 Q. Was it approximately last week?

11 A. I don't think so.

12 Q. Was it approximately two weeks ago?

13 A. I don't think so.

14 Q. When do you think it was?

15 A. I honestly would be guessing at a date.
16 I -- I don't feel comfortable doing that.

17 Q. Okay. Where are you from? I'm guessing
18 somewhere in the UK.

19 A. Well, thank you for that, because
20 sometimes people say Australia.

21 Yes. I'm from the outskirts of London
22 originally.

23 Q. When did you move to Minnesota?

24 A. Early 2016 is when I took up residency
25 here.

1 Q. What is your highest level of education?

2 A. I have a master's degree.

3 Q. When did you graduate?

4 A. With the master's degree, I graduated
5 right before moving here. So I forget what the
6 actual date of my graduation is, but I finished my
7 master's degree in 2015.

8 Q. And what was your degree in?

9 A. Public policy and management.

10 Q. Where did you -- from where is the
11 master's degree?

12 A. University of London.

13 Q. Where did you get your undergraduate
14 degree?

15 A. University of Kingston, which is in
16 west London.

17 Q. And what was your undergraduate degree in?

18 A. Psychology and sociology.

19 Q. And what year did you graduate with your
20 undergraduate degree?

21 A. I believe it was 1999. Last Millennium.

22 Q. What did you plan to do when you went to
23 get your master's degree?

24 A. So I was living and working in Cambodia at
25 the time I began my master's degree. At that point

1 I knew it was likely that we would -- well, we
2 certainly knew we weren't going to stay in Cambodia
3 forever, and we knew there was a possibility that we
4 would relocate to the United States.

5 My wife is from Singapore, if you're
6 wondering why we end up where we end up.

7 In preparation for that -- and I'd kind of
8 always been interested to go back to school and
9 study in -- in this particular area. It seemed
10 prudent to get a master's degree. I had already
11 been through the experience once of starting
12 essentially a new career in a different continent,
13 and I thought having those credentials would be
14 potentially helpful, as I would be looking for work
15 in a new continent again.

16 Q. And just to clarify, when you were talking
17 about "we were living in Cambodia," do you mean you
18 and your wife?

19 A. Yes.

20 Q. Okay. And you started a new career when
21 you moved to Minnesota?

22 A. Essentially. I mean, you could argue it
23 was a continuation of previous work. But I started
24 working with Hennepin County in August of 2016.

25 Q. And what was your role when you started

1 working with Hennepin County?

2 A. I was recruited as principal planning
3 analyst.

4 Q. What was your -- what were your duties as
5 a principal planning analyst?

6 MS. PIERCE: Everybody -- Let's go off the
7 record just for a second. I'm sorry.

8 THE VIDEOGRAPHER: We are going off the
9 record at 9:11 a.m.

10 (Whereupon, a short recess was taken.)

11 THE VIDEOGRAPHER: We're going back on the
12 record at 9:12 a.m.

13 MS. PIERCE: I -- I just want to state for
14 the record that we went off to accommodate someone
15 who just needed a moment because of a coughing fit.

16 So let's have counsel's question read
17 back.

18 THE WITNESS: Yes.

19 (Whereupon, the court reporter read back
20 the requested portion of the record.)

21 A. So I was recruited to work in The Office
22 to End Homelessness in Hennepin County. My duties
23 related to working with our partner organizations
24 to -- to coordinate homeless services in a way that
25 would better meet the needs of people experiencing

1 homelessness.

2 I can add more detail if you would like.

3 Q. Yes, please.

4 A. Specifically, so I -- I did a lot of
5 project-based work during that period.
6 Specifically, I supported the implementation of the
7 redesign of the shelter intake processes, adding a
8 bed reservation system to the -- the system that our
9 nonprofits would use, adding the Adult Shelter
10 Connect service through Simpson Housing Services,
11 and this whole process of being in the shelters,
12 helping people get into the -- get a record set up
13 within the bed reservation system, getting them
14 community cards that they could use to make those
15 reservation. So that was one project that somebody
16 else was the lead on it, but I supported that
17 project.

18 Another project, for instance, was
19 applying to HUD for a federal grant for youth
20 homelessness, which we were not successful in that
21 realm. But we did get it in the end, a couple of
22 years later.

23 Q. Who were your partner organizations that
24 you were coordinating with?

25 A. So Hennepin County is a funder of and

1 coordinates with a number of independent nonprofits
2 who provide services to people experiencing
3 homelessness or at risk of homelessness. I could
4 give you a list of some examples. I will say, I
5 mean, we estimate the list at -- standing at about
6 50 different agencies that we work with. So I -- I
7 wouldn't want to try and give you a fully
8 comprehensive list 'cause I would miss someone.

9 Q. Could you give me a few examples?

10 A. Sure. Simpson Housing Services; Catholic
11 Charities; the American Indian Community Development
12 Corporation; Salvation Army; St. Stephen's Human
13 Services; Simpson House of Charity, who would be
14 another one on that list, and now they are both
15 combined, known as Agate Housing and Services.

16 Would you like more?

17 Q. No. That's fine.

18 Could you explain a bit more about the
19 reservations, shelter reservation system --

20 A. Sure.

21 Q. -- you helped develop?

22 MS. PIERCE: Objection. Vague.

23 Q. (BY MS. STILLMAN) You can answer.

24 A. Absolutely I can speak a little bit to the
25 shelter reservation system. Tell me if you want me

1 to hone in on a particular piece of this.

2 So before the project that I have
3 described, there were essentially two ways of
4 obtaining a shelter bed through the nonprofit
5 agencies that operated shelter. You had the likes
6 of Catholic Charities, Higher Ground, and Salvation
7 Army Harbor Light Center that operated every night
8 on a first-come-first-served basis.

9 So you would see a queue of people every
10 night. And in the case of Higher Ground, the first
11 171 men would get a bed. And then, 172, no more
12 room here, go and walk around for a couple of hours
13 until the Salvation Army line opens up. The first
14 130 there get a bed, and do it all again tomorrow.

15 That was one method of obtaining a shelter
16 bed.

17 The smaller church-based shelters, as we
18 commonly refer to them, actually operated by three
19 nonprofits, with their roots in the faith community:
20 Simpson Housing Services, St. Stephen's Human
21 Services, and Our Saviour's Housing.

22 Each operated an independent shelter, but
23 they collectively held a lottery in a church
24 basement once a month. People would show up, take a
25 ticket, the lottery balls would go around -- a

1 literal lottery -- and if your number came up, you
2 got to choose from wherever there might be a bed,
3 until they ran out of beds to reserve that way. And
4 they would do that once a month.

5 So that was the historic model by which
6 shelter beds were allocated.

7 I think it's safe to say, certainly, what
8 I heard coming in --

9 THE WITNESS: Excuse me. I touch -- I do
10 this a lot (putting hand to chest). I really
11 shouldn't have put the microphone there. I found
12 that before with presentations.

13 A. There was a consensus within the community
14 providers and service users alike that this was not
15 a -- a process that people felt good about,
16 comfortable about. It was not person-centered.

17 So we were working with those providers
18 to -- to come up with an alternative process that
19 would better -- give people more certainty about
20 where they would be able to stay ahead of time,
21 reduce the amount of, kind of, daily labor that went
22 into seeking shelter, and better support goals
23 around kind of dignity and respect for people
24 experiencing homelessness.

25 Do you want me to say more about the

1 mechanics?

2 Q. (BY MS. STILLMAN) So how does somebody --
3 would somebody reserve a bed?

4 A. Yeah.

5 MS. PIERCE: Do you mean today?

6 Q. (BY MS. STILLMAN) At the time the plan was
7 implemented.

8 I'll -- I'll retract that question.

9 What year was this plan implemented?

10 A. So I started August 2016. This was well
11 underway at that time. So I came in late in the
12 process. I came in and really supported some of the
13 logistics around implementation.

14 And, sorry. Did you want me to jump to
15 one of the other -- the other question?

16 Q. No. So this shelter reservation system,
17 an unsheltered person could use it in 2016 at some
18 point?

19 A. I believe October 2016 is when it went
20 live.

21 Q. Do you -- Does Hennepin County still use
22 this same shelter reservation system?

23 MS. PIERCE: Objection. Vague.

24 A. The shelter reservation system I'm
25 describing is more or less the same today as it was

1 at the end of 2016.

2 I will say, your question said, does
3 Hennepin County use it? The partners that operate
4 our shelter system are actually the ones
5 implementing, operating shelter, managing the
6 reservation system. It would be true to say that
7 residents of Hennepin County can use a system that
8 looks much like the one at the end of 2016.

9 Q. (BY MS. STILLMAN) So Hennepin County
10 doesn't play a role in operating the system; is that
11 correct?

12 MS. PIERCE: Objection. Misstates the
13 witness's testimony.

14 A. Hennepin County funds the partners that
15 both operate the shelters. And I should say, to be
16 clear, we are not a -- while we are a significant
17 funder, each of these agencies also raises money
18 from other sources privately, as they have always
19 done, to operate shelter services.

20 So Hennepin County does provide funding to
21 them for the shelters they operate. We also provide
22 funding to Simpson Housing Services. In addition to
23 their shelter funding, they get funding to operate
24 the Adult Shelter Connect service. So they have the
25 staff that are at the physical location and on the

1 phone lines for people seeking shelter.

2 Q. (BY MS. STILLMAN) When this shelter
3 reservation system was initially implemented in
4 approximately October 2016, how would somebody
5 reserve a shelter bed?

6 A. There are two principal ways in which
7 people reserve a shelter bed. The first, which is
8 how the majority of shelter beds are reserved each
9 day, is the -- the individual can simply, without --
10 without needing to go back through the intake, in
11 general, it's a swiping of a community card to say,
12 I'm coming back tonight.

13 So the principle there is, once you are in
14 that shelter, you do not need to come back and queue
15 up again and take a risk again, and queue up again
16 and take a risk again, and every day wonder if
17 you're going to get back in the shelter. Once you
18 have your shelter bed, you can continue reserving it
19 at the shelter that you are staying at for as long
20 as you need it.

21 The other way in which people can reserve
22 a bed, people who are not in shelter last night, so
23 who are not able to do it at the shelter itself, was
24 to contact the Adult Shelter Connect service, either
25 by phone or in person. They have an office out at

1 St. Olaf church.

2 And the Simpson Housing Services' staff
3 that, like I say, manage and deliver that service
4 would do some intake questions with the individual
5 seeking shelter, and then would be able to see,
6 within that data system, which shelters have which
7 beds available and make a reservation for an
8 individual at a bed of their choice, if there is
9 more than one available.

10 That individual would then have until a
11 certain time to claim that reservation.

12 Let me stop there.

13 Q. What was the time by which a person had to
14 claim that reservation?

15 MS. PIERCE: Objection. Compound.

16 A. Each shelter operates independently and
17 set their own processes and protocols, which may
18 change over time.

19 The job, essentially, of Simpson Housing
20 Services in this system was to coordinate with each
21 individual shelter and communicate to residents what
22 the check-in time would be for the specific shelter
23 they were making a reservation for them at.

24 Q. (BY MS. STILLMAN) Can you use the
25 community card to re-reserve a shelter bed at every

1 shelter in Hennepin County?

2 MS. PIERCE: Objection. Compound, vague,
3 time frame.

4 A. I probably wouldn't describe it as use the
5 community card to do this. What I can say is that
6 each shelter that was participating in that system
7 allows people to re-reserve their beds each day.

8 Now, I'm not present there every morning.
9 Is it possible that shelters took some of the labor
10 off their clients rather than saying, Show us your
11 card? Sure. So that's why I -- I just pulled out
12 that piece about the community card. But each of
13 the shelters participating in the system allowed
14 people to re-reserve their shelter beds, yes.

15 Q. (BY MS. STILLMAN) And do each of the
16 shelters participating in this system allow you to
17 stay for as long as you need?

18 MS. PIERCE: Objection. Compound, vague,
19 time frame.

20 A. Our nonprofit partners that operate
21 shelter, again, each having their own process,
22 protocol, and being managed by an independent
23 entity, do not set maximum time limits on stays in
24 shelter.

25 Q. (BY MS. STILLMAN) You said the shelter

1 reservation system operates today, more or less, as
2 it did in approximately October 2016, correct?

3 A. I -- Yes. That is correct.

4 Q. What are some of the -- what are the
5 differences between how it operates today and how it
6 operated in 2016?

7 MS. PIERCE: Objection. Compound.

8 A. There has been a huge amount of
9 transformation over the last six and a half years in
10 terms of the number of shelter programs in our
11 community, how they operate. And so along those
12 changes, the Adult Shelter Connect still acts as a
13 first point of call, still places reservations with
14 a number of the shelters, but the programs
15 themselves have shifted. Hours of intake might have
16 shifted. Staffing might have shifted.

17 Q (BY MS. STILLMAN) Who was your supervisor
18 when you started working for Hennepin County?

19 A. Mikkel Beckmen. Mikkel Beckmen.

20 MS. PIERCE: Do you want that spelled?

21 MS. STILLMAN: Yes, please.

22 A. M-i-k-k-e-l, B-e-c-k-m-e-n.

23 Q. (BY MS. STILLMAN) Did you supervise anyone
24 when you started at Hennepin County in 2016?

25 A. No.

1 Q. After your first position at Hennepin
2 County, what was your next role?

3 A. The job classification within Hennepin
4 County was a senior administrative manager. And
5 without consulting my LinkedIn page, I believe
6 February of 2017 is when I stepped into that
7 position.

8 This position was more commonly referred
9 to and was known in the community as the director of
10 The Office to End Homelessness. But like I say,
11 within Hennepin County structure, it was actually a
12 senior administrative manager position.

13 Q. Is the -- is there still an Office to End
14 Homelessness in Hennepin County?

15 A. We still use that name as one of the
16 descriptors of a part of the -- the area that I lead
17 now, yes.

18 Q. And what is the area that you lead now?

19 A. The area that I lead now is known as
20 Housing Stability.

21 Q. How long did you work as a senior
22 administrative manager?

23 A. I believe my period in that role was two
24 years and about two months.

25 Q. So approximately March 2019 --

1 A. Yep.

2 Q. -- you switched to a new role?

3 And what role did you begin in
4 approximately March 2019?

5 A. At that point I became a senior department
6 administrator.

7 You gotta love these county job titles,
8 right?

9 Q. What department?

10 A. At that point we had merged a few
11 different teams within the county, whose work was
12 all broadly in the area of housing and homelessness.
13 And that was the point at which the area as a whole
14 that I was responsible with, what was known as
15 Housing Stability, including, but not limited to,
16 The Office to End Homelessness.

17 Q. Why did this merger occur?

18 MS. PIERCE: Objection. Foundation.

19 A. I will say that, while I said we merged
20 teams, I think merger has a particular kind of
21 connotation, which isn't quite how I think of this.

22 We had staff within different areas of
23 Hennepin County Human Services whose work was better
24 organized under -- under one leadership. We made
25 these kind of adjustments within the organizational

1 structure on a frequent basis.

2 Q. (BY MS. STILLMAN) Is the Housing Stability
3 unit within the Hennepin County Department of Human
4 Services?

5 A. Yes.

6 Q. What was your role as the -- or are you
7 still -- still the senior department administrator
8 in the Housing Stability unit?

9 A. No. There's one more change to go in
10 there.

11 Q. Okay.

12 A. I am the director of the Housing Stability
13 unit. On this occasion, I am a director as a job
14 classification at Hennepin County as well.

15 Q. And when did you start as the director of
16 Housing Stability?

17 A. I believe April of 2021.

18 Q. What was your role as a senior department
19 administrator?

20 MS. PIERCE: Objection. Vague.

21 A. It was to lead a number of staff whose
22 work was broadly around making homelessness rare,
23 brief and nonrecurrent.

24 Q (BY MS. STILLMAN) How many staff?

25 MS. PIERCE: Do you mean at that time?

1 MS. STILLMAN: Yes.

2 A. As a senior department administrator, the
3 Housing Stability area was roughly 25 to 30 staff at
4 any time.

5 Q (BY MS. STILLMAN) So when you were the
6 senior department administrator, were you a
7 supervisor for all of the staff in the Housing
8 Stability unit?

9 A. I did not directly supervise 25 to 30
10 people. However, I did directly supervise a -- a
11 subset of that, of that area, yes.

12 Q. How many people did you supervise at that
13 time?

14 A. Give me a second. Approximately eight.

15 Q. Was it the same eight people for the
16 entire time you were in the senior department
17 administrator role?

18 A. To the best of my recollection, yes.

19 Q. And what are their names?

20 A. So this is where, as I read them out, I'll
21 realize I've missed someone and it will become nine,
22 go down the seven.

23 Mikkel Beckmen, Markus Klimenko --

24 Do you want me to spell these as well?

25 Q. Definitely Markus Klimenko.

1 A. All right. M-a-r-k-u-s, K-l-i-m-e-n-k-o.

2 Allan Henden, Tracy Schumacher. Here's
3 one: Sarah Hunt, who left during that time and was
4 replaced by Amy Donahue. So I apologize. As we
5 walk through this, I realize there is that one
6 change in there. Reneea Stewart, Katie DeSantis.
7 With that one swapping out, it does add up to eight.

8 Q. How many employees does the Housing
9 Stability unit have now?

10 A. Approximately 90.

11 THE COURT REPORTER: Nine zero?

12 THE WITNESS: Yes.

13 THE COURT REPORTER: Thank you.

14 Q. (BY MS. STILLMAN) So it's approximately
15 three times bigger than it was in -- when you
16 started that role?

17 A. When I started the director role, it
18 was -- it's approximately three times larger than
19 when I was in the senior department administrator
20 role, is what I was just sharing previously.

21 Q. Yeah, okay. Thank you. And how big was
22 the Housing Stability unit when you started the --
23 as the director of Housing Stability?

24 A. So as I stepped into the director
25 position, we were -- we had a number of

1 limited-duration staff leading a pandemic project,
2 and we were also about to grow other parts of our
3 work.

4 So there was a lot in flux at that time.
5 I would estimate we were about 60 people at that
6 time. But as I think you can tell from my answers,
7 we had a lot of change over this period.

8 Q. What are your duties as the director of
9 Housing Stability?

10 MS. PIERCE: Objection. Vague.

11 A. I lead the county's efforts to make
12 homelessness rare, brief and nonrecurrent.

13 Q (BY MS. STILLMAN) How do you do that?

14 A. I set the vision and direction for the
15 team of approximately 90 people. I directly line
16 manage two area managers and a senior department
17 administrator, who oversee sections of that work.

18 Q. What is your vision --

19 A. To make --

20 Q. -- that you --

21 A. To make homelessness rare, brief and
22 nonrecurrent.

23 Q. And what is your direction that you just
24 referenced in your answer, previous answer?

25 A. To make homelessness rare, brief and

1 nonrecurrent. You may be picking up this is my
2 mantra, and it is how we organize our team. I can
3 say more about it, but that is our goal, our vision
4 at North Star.

5 Q. Yeah. Could you say a bit more about it?

6 A. Certainly. Making homelessness rare means
7 preventing it before it happens. There's a variety
8 of different pieces of work, both through funded
9 partners and direct service delivery, that we
10 undertake in that area, focused on preventing
11 evictions and helping people stabilize in housing
12 when we identify them as being at risk of
13 homelessness.

14 Making homelessness brief is the -- the
15 kind of body of work that includes our funding for
16 crisis response services, such as shelter, outreach.
17 And, also, a large part of that, FTE, full-time
18 employee, count, at this time our direct service
19 work is the work with individuals experiencing
20 homelessness to get them out and into housing.
21 Making homelessness brief is our goal for people who
22 fall through the safety net or who are already
23 experiencing homelessness.

24 And making homelessness nonrecurrent, once
25 people exit, we want to make sure that they stay

1 out, that they don't move back around. That area of
2 our work is really where we channel a lot of
3 funding, in some cases directly through the county,
4 but often leveraging state and federal funding to
5 supportive housing projects in the community.

6 In all three areas of work, much of the --
7 much of our role is as a funder of nonprofit
8 partners. In that nonrecurring area, around
9 supportive housing, particularly, it is exclusively
10 funding of our nonprofit partners and -- and other
11 partners that deliver those housing projects.

12 Q. How many direct service workers do you
13 currently have employed in the department of Housing
14 Stability?

15 A. We have approximately 40 people in the
16 making homelessness brief section. So they are
17 doing housing-focused case management and other
18 direct service with people experiencing
19 homelessness.

20 We have approximately 10 to 15 people in
21 the Making Homelessness Rare team. And this is
22 where I'll kind of provide a little detail, because
23 I don't know if this would apply to your definition
24 of direct service. So to call it out, I'm including
25 there people who are processing rental assistance

1 payments and getting that out the door to individual
2 households. It also includes a few workers who are
3 based at housing core and work directly with
4 families and individuals who are facing eviction.

5 Q. How many direct service workers did you
6 have in the Housing Stability unit in 2020? Do you
7 know?

8 A. I do. Zero.

9 Q. How many direct service workers did you
10 have in the Housing Stability department in 2021?

11 A. In 2021, we were operating a pandemic
12 shelter directly. And I am struggling to recollect
13 the exact staffing complement that we had to -- to
14 manage that operation. The program manager that was
15 over it, of course, reported to me. She then
16 managed teams that were supporting that -- that
17 work. But I would estimate that operation was
18 probably 15 people at that time.

19 And then, sorry, remind me of the date you
20 are asking me again, as I think about who else might
21 apply here?

22 Q. 2020 -- 2021.

23 A. I was going to say, I don't think that's
24 right, because 2020 was zero.

25 2021? So that's when I become -- so it

1 changes through 2021, is the other thing to
2 highlight here. It wasn't a constant number from
3 January through to December.

4 When I stepped into the director position,
5 an existing unit of primarily social workers within
6 Hennepin County, known as the homeless access team,
7 came into my area. That was approximately 12
8 people.

9 At the same time we began hiring, and
10 hired through 2021 for the new Homeless to Housing
11 teams, which essentially was what I was kind of just
12 describing. And that added an extra 26 direct
13 service positions by the end of the year.

14 Q. Does the department of Housing Stability
15 currently employ any people who do outreach work at
16 homeless encampments?

17 A. We currently have a team of five people
18 who do -- known as Streets to Housing, who
19 specifically work with people in unsheltered
20 settings, including, but not limited to,
21 encampments.

22 In addition to that, the Homeless to
23 Housing team I described -- similar names, I know --
24 that do housing-focused case management, they are
25 not location-specific, but rather work with a

1 caseload of clients who may be experiencing
2 sheltered or unsheltered homelessness. Those
3 experiencing unsheltered homelessness may be, at
4 some point, staying in encampments, but it's not
5 limited to that.

6 Q. So the Streets to Housing outreach
7 workers, those five people, you said work at
8 locations including, but not limited to,
9 encampments?

10 A. Correct.

11 Q. What -- what are the -- Oh. I apologize.

12 A. One thing in that statement, however, that
13 I would -- and this is a very technical thing coming
14 from me, so I apologize. But I do not and would not
15 describe them as outreach workers.

16 Q. How would you describe them?

17 A. I -- I describe them as our Streets to
18 Housing, who engage with people experiencing
19 homelessness in unsheltered settings, including, but
20 not limited to, encampments.

21 Q. What other settings do they engage with
22 unsheltered individuals?

23 A. Yeah. So it's -- it's a great program.
24 I'm really proud of how we designed it. We worked
25 with people who had experienced or are experiencing

1 homelessness to structure their schedule.

2 And what we heard was that there were
3 particular events and locations that people
4 experiencing homelessness use at which it would be
5 beneficial for our team to be present to engage
6 them. This includes events such as the Street
7 Voices of Change advocacy group's weekly meeting at
8 the Central Lutheran Church. And then, like I say,
9 others are encampments or other locations that --
10 that, yeah, are of a similar nature.

11 Q. When was the Streets to Housing created?

12 A. The Streets to Housing was created in
13 2022. We were hiring in the summer. They began
14 working around October.

15 Q. Did the department of Housing Stability
16 employ anyone who did outreach to homeless
17 encampments in 2020?

18 A. A couple of things I want to note here.
19 One, we're not a department. We're within the Human
20 Services department.

21 Second -- and you'll probably pick this up
22 from me a little bit -- I would not describe anyone
23 that we employ as an outreach worker.

24 So, no.

25 Q. How would you describe somebody who went

1 to a homeless encampment to interact with residents?

2 MS. PIERCE: Objection. Vague, compound,
3 time frame.

4 Do you -- you mean Hennepin County
5 employee?

6 MS. STILLMAN: Yeah. In the -- in Housing
7 Stability.

8 A. There are a variety of reasons why
9 somebody within my team might engage with people who
10 are staying at encampments.

11 Q (BY MS. STILLMAN) But who go -- within
12 your team, who go to homeless encampments in 2020?

13 MS. PIERCE: Objection. Vague, compound.

14 Q (BY MS. STILLMAN) I'll rephrase the
15 question.

16 A. Thank you.

17 Q. How many people did the department of
18 Housing Stability employ in 2020 who went physically
19 to homeless encampments?

20 MS. PIERCE: Objection. Vague, compound.

21 A. In 2020, there was one person reporting to
22 me who was -- frequently interacted with people on
23 the ground at encampments. Of course, this is Don
24 Ryan. This is a familiar name.

25 There is just one technicality here, which

1 is that Don Ryan was not technically in the Housing
2 Stability area, but was rather, essentially, within
3 our response to the pandemic, took on additional
4 duties to his kind of normal role within our initial
5 contact and access team, which is where he was
6 housed out of, reporting to me to be a lead on
7 unsheltered homelessness.

8 Q (BY MS. STILLMAN) When did Don Ryan stop
9 being the lead on unsheltered homelessness?

10 MS. PIERCE: Objection. Foundation.

11 A. In terms of Don Ryan reporting to me and
12 being kind of our -- I'm okay with the term being
13 our lead in unsheltered homelessness for that
14 period, that -- that arrangement concluded at the
15 end of 2020. I couldn't say for certain, you know,
16 that it was a -- a specific date, but essentially at
17 the end of 2020.

18 Q (BY MS. STILLMAN) Was there a lead on
19 unsheltered homelessness that reported to you after
20 Mr. Ryan no longer reported to you in that role?

21 A. Yes. At the end of 2020 we began
22 recruiting for a principal planning analyst position
23 who would be the lead on unsheltered homelessness
24 for our team moving forwards.

25 Q. After Mr. Ryan no longer reported to you

1 in that role at the end of 2020, did Housing
2 Stability employ anyone who visited homeless
3 encampments?

4 MS. PIERCE: Objection. Misstates the
5 witness's testimony.

6 A. We recruited to a principal planning
7 analyst position, with the goal that person would be
8 our lead around unsheltered homelessness. That was
9 a planning position rather than a direct service
10 position.

11 So the intent was, as has been the case
12 historically with our team, that they would be
13 working more with our partners in the field and --
14 but after coming into that position, there were
15 occasions where they were in the field themselves.

16 So, yes.

17 Q (BY MS. STILLMAN) Who currently holds that
18 position?

19 A. That principal planning analyst position
20 focused on unsheltered homelessness is Erin Wixsten,
21 W-i-x-s-t-e-n.

22 Q. And when did Ms. -- is that -- is it
23 Mr. Wixsten?

24 A. Erin. Right.

25 Q. Erin?

1 A. I -- I -- actually, I do not know whether
2 she prefers Ms. or --

3 Q. When did Erin Wixsten start in that role?

4 A. Approximately April of 2021.

5 Q. And who was in that role prior to
6 Erin Wixsten?

7 A. That was a new position.

8 Q. Who is your current supervisor?

9 A. I report to Jodi Wentland, the deputy
10 county administrator.

11 Q. Do you report to the Hennepin County
12 commissioners?

13 MS. PIERCE: Objection. Vague.

14 A. I report to Jodi Wentland, the deputy
15 county administrator.

16 Q (BY MS. STILLMAN) Does Jodi Wentland
17 report to David Hough?

18 MS. PIERCE: Objection. Foundation.

19 A. I -- Yes. I believe so.

20 Q (BY MS. STILLMAN) When you started in your
21 role as a principal planning analyst in 2016, were
22 you given any policies regarding the closure of
23 homeless encampments?

24 MS. PIERCE: Objection. Vague, compound.

25 A. No.

1 Q (BY MS. STILLMAN) In 2017 were you
2 provided with any policies from Hennepin County
3 regarding the closure of homeless encampments?

4 MS. PIERCE: Objection. Vague.

5 A. No.

6 Q (BY MS. STILLMAN) In 2018 were you
7 provided with any policies from Hennepin County
8 regarding the closure of homeless encampments?

9 MS. PIERCE: Objection. Vague.

10 A. No.

11 Q (BY MS. STILLMAN) In 2019 were you
12 provided any policies from someone in Hennepin
13 County regarding the closure of homeless
14 encampments?

15 MS. PIERCE: Objection. Vague.

16 A. No.

17 Q (BY MS. STILLMAN) In 2020 were you
18 provided with any policies from anyone in Hennepin
19 County regarding the closure of homeless
20 encampments?

21 MS. PIERCE: Objection. Vague.

22 A. Not to the best of my recollection.

23 Q (BY MS. STILLMAN) In 2021 were you
24 provided policies regarding the closure of homeless
25 encampments from anybody in Hennepin County?

1 A. Sorry. What year are we up to?

2 Q. 2021.

3 MS. PIERCE: Objection. Vague.

4 A. I would not describe myself as having been
5 provided with policies, no.

6 Q (BY MS. STILLMAN) What do you mean you
7 wouldn't describe it as being provided?

8 A. Hennepin County has a administrative
9 manual that includes a policy around encampments
10 specifically on Hennepin County property. And I'm
11 trying to recall the exact chronology of its
12 development, but it wouldn't be accurate to say that
13 somebody provided it to me.

14 Q. When did somebody provide it to you?

15 MS. PIERCE: Objection. He was told he
16 can't use that word, so you may need to rephrase.

17 Q (BY MS. STILLMAN) When did you first see
18 this manual?

19 A. The administrative manual is a large
20 document, and I have not necessarily consumed the
21 whole thing.

22 With regards to this specific piece of it,
23 there was an interim policy developed probably late
24 2020 and a policy adopted in 2021, to the best of my
25 recollection.

1 Q. Had you read the policy on homeless
2 encampments contained in the administrative manual
3 prior to the interim policy being developed?

4 MS. PIERCE: Can I have that question read
5 back?

6 (Whereupon, the court reporter read back
7 the requested portion of the record.)

8 MS. PIERCE: Objection. Confusion as to
9 the difference between policy and interim policy,
10 and mis-describes the policy and the admin manual.

11 MS. STILLMAN: Well, Mr. Hewitt said there
12 was an interim policy developed late in 2020 and
13 adopted in 2021.

14 Q. (BY MS. STILLMAN) Correct?

15 A. The interim policy, to the best of my
16 recollection, was included in the administrative
17 manual at some point. I would guess late 2020.

18 Q. Was there a policy regarding encampments
19 in the administrative manual prior to this interim
20 policy that was developed in approximately late
21 2020?

22 A. Not to the best of my knowledge.

23 Q. Are you aware of any other Hennepin County
24 policies regarding homeless encampments other than
25 this one in the administrative manual that you just

1 mentioned?

2 A. Nothing that I would describe as a
3 Hennepin County policy.

4 Q. What would you describe it as?

5 A. Well, I can't think of anything that I
6 would describe as a policy to the -- but there isn't
7 a thing that I can think of to describe in another
8 term for you, either.

9 Q. Were you consulted in the development of
10 this policy regarding homeless encampments?

11 A. I was. And one thing that I should
12 highlight -- I'm trying to recollect the exact
13 language used in it, but we act specifically to a
14 policy around unsheltered homelessness. And I just
15 say that because we differentiate between that and
16 encampments.

17 Q. So does Hennepin County have separate
18 policies regarding encampments and unsheltered
19 homelessness?

20 A. No. What I'm introducing is, the
21 unsheltered homelessness is broader than
22 encampments, and so, in my world, we are more
23 typically talking about unsheltered homelessness,
24 which may include but is not limited to encampments.

25 Q. What is your definition of unsheltered

1 homelessness?

2 A. Staying in a place not fit for human
3 habitation.

4 Q. Can you give me some examples of what that
5 would include?

6 A. Absolutely. An encampment, staying on
7 transit, staying in an abandoned building, staying
8 in a shop doorway.

9 Q. How do you define encampment?

10 MS. PIERCE: Objection to the extent it
11 calls for a legal conclusion.

12 A. As a kind of a working practice -- I mean,
13 I would say that the term is used a little bit
14 broadly, and sometimes we have to ask ourselves
15 exactly these questions when -- when we're talking
16 about a specific, okay, well, what do we mean in
17 this instance?

18 Some people use encampment to mean a
19 single tent. Others believe there should be a
20 threshold and -- and wouldn't consider a single tent
21 an encampment. I've seen it used, and I've probably
22 used it myself, in -- in all of those ways at
23 different times.

24 Q (BY MS. STILLMAN) And just to make sure
25 that I am correct in -- in what you've been saying,

1 so when we were talking about this interim policy
2 that was developed in late 2020 and adopted in 2021,
3 is that the policy on unsheltered homelessness?

4 MS. PIERCE: Objection. Misstates the
5 witness's testimony as to the chronology of
6 adoption.

7 A. The policy that we're speaking to
8 specifically relates to unsheltered homelessness,
9 including, but not limited to, the possibility of
10 encampments on Hennepin County property.

11 Q (BY MS. STILLMAN) Has that policy changed
12 since it was adopted?

13 A. It was an interim policy. Later became
14 the policy.

15 Q. Were there any changes to the policy
16 between when it was an interim policy and when it
17 was formally adopted as a policy?

18 A. Yes.

19 Q. And what were those changes?

20 A. The interim policy was adopted while the
21 Minnesota executive order relating to encampments
22 was in place, and there's language in it reflecting
23 that. That language needed to be updated when the
24 full policy was developed.

25 Q. Were there any other changes?

1 A. I would imagine there were, perhaps,
2 semantic changes. I do not believe there would have
3 been significant changes in content.

4 I would hope generally that, whenever we
5 do a document the second time around, we find little
6 things we can tweak and improve.

7 Q. Do you have a copy of this policy?

8 A. Not -- not on me.

9 Q. Do you have a copy generally? Not on you,
10 just on you, but do you have a copy?

11 A. It exists within the administrative
12 manual.

13 Q. And do you have a copy of the
14 administrative manual?

15 A. I do not have a copy of the administrative
16 manual, no.

17 Q. At all?

18 A. We do a lot of things electronically these
19 days.

20 Q. It can be an electronic copy.

21 A. The administrative manual exists
22 electronically, and I can access it, if that's what
23 you're asking me.

24 Q. That -- that is what I'm asking you.
25 Do all of your staff have access to the

1 administrative manual?

2 MS. PIERCE: Objection. Foundation.

3 A. I don't know.

4 (Reporter clarification.)

5 Q (BY MS. STILLMAN) Have you provided your
6 staff with the policy on unsheltered homelessness?

7 MS. PIERCE: Objection. Vague.

8 A. The policy on unsheltered homelessness
9 particularly relates to Hennepin County property.
10 To be clear, my staff are not responsible for
11 property management. We're in the Human Services
12 department.

13 So our staff are aware of our approach and
14 our vision and our work around unsheltered
15 homelessness, but they're not responsible for the
16 functions of other parts of the county which the
17 policy touches upon.

18 (Reporter clarification.)

19 Q (BY MS. STILLMAN) So is that a no?

20 MS. PIERCE: Objection.

21 Can I have the question read back, please?
22 The first one.

23 (Whereupon, the court reporter read back
24 the requested portion of the record.)

25 A. I would say our staff have been provided

1 with the policy that's needed from a Human Services
2 perspective. I couldn't say exactly in what format
3 I have provided that.

4 Q (BY MS. STILLMAN) So you don't know if it
5 has been -- you have provided that specific policy
6 to your staff?

7 A. One other piece here, of course, is that,
8 as I've already described, I currently manage
9 90 staff, including, say, three people who work
10 exclusively in housing core and eviction prevention.
11 It would not be relevant for their work.

12 In actual fact, unsheltered homelessness
13 is not relevant to a lot of my staff's work, because
14 the vast majority of people experiencing
15 homelessness and certainly the vast majority of
16 people experiencing housing instability will not at
17 any point stay at an encampment.

18 Q. So you don't know, as you sit here today,
19 whether you've provided that policy to your staff?

20 MS. PIERCE: Objection. Asked and
21 answered.

22 A. The staff that specifically focuses on
23 unsheltered homelessness, in particular the
24 principal planning analyst that I earlier described,
25 we have certainly discussed the policy. Exactly

1 what I provided and when, in terms of the -- the
2 format, I cannot answer.

3 MS. PIERCE: We've been going about an
4 hour. Do you want to take a break?

5 MS. STILLMAN: Sure.

6 MS. PIERCE: Okay.

7 THE VIDEOGRAPHER: We are going off the
8 record at 10:04 a.m.

9 (Whereupon, a recess was taken.)

10 THE VIDEOGRAPHER: This is Media Number 2
11 in the deposition of David Hewitt. Today is
12 February 16th, 2023. We're going back on the record
13 at 10:19 a.m.

14 Q. (BY MS. STILLMAN) So you mentioned earlier
15 that one of the changes to the interim policy and
16 adopted policy in the administrative manual were
17 changes regarding the executive order, correct?

18 A. Yes, as I recollect.

19 Q. Okay. What changes to the policy were
20 made because of the executive order being rescinded?

21 A. Well, the context in which the policy was
22 written had changed, so that needed to be reflected
23 in the document.

24 Q. Could you explain that?

25 A. There had been an executive order that set

1 certain parameters. That executive order no longer
2 existed.

3 Q. So were those -- the parameters set forth
4 in the executive order no longer included in the
5 adopted policy?

6 A. Well, the executive order no longer
7 existed, so that wasn't included in the adopted
8 policy.

9 Q. Did the policy include any of the language
10 that was used in the executive order?

11 A. I do not recall. I mean, we wouldn't have
12 specifically looked to lift policy language out of a
13 policy that no longer applied.

14 Q. Does the current policy for -- when you
15 would -- Strike that.

16 When you adopted this policy in -- in
17 2021, did it include language regarding CDC guidance
18 on homeless encampments?

19 MS. PIERCE: Objection. Vague as to "you
20 adopted."

21 A. I was going to mention that. But, yeah.
22 I do not recall.

23 Q. (BY MS. STILLMAN) Does the -- did the
24 policy -- the policy that was adopted in
25 approximately 2021 include any language -- any

1 language about what circumstances needed to exist in
2 order to close a homeless encampment?

3 A. The policy specifically related to
4 Hennepin County-owned property, and camping is not
5 permitted on Hennepin County-owned property. I
6 believe that is reflected in the policy.

7 Q. Anything else regarding the closure of
8 encampments?

9 MS. PIERCE: Objection. Subject to his
10 clarification about county-owned land?

11 A. So as I recollect the policy, the -- the
12 leading passages around having a person-centered
13 response to unsheltered homelessness and that our
14 immediate priority, when being notified of or
15 encountering somebody experiencing unsheltered
16 homelessness anywhere, but in this context
17 specifically on Hennepin County property, our -- our
18 focus and our goal is to connect them to safer
19 alternatives.

20 So if that is a relevant answer to your
21 question.

22 Q (BY MS. STILLMAN) Has the policy changed
23 at all since it was first adopted?

24 A. Not substantively, to the best of my
25 knowledge. As I said earlier, there may have been

1 occasion to make tweaks to language, clarifications,
2 but -- but I don't recall.

3 Q. Does Hennepin County have a policy
4 regarding the closure of encampments on property
5 that's not owned by Hennepin County?

6 A. No. That would be completely outside of
7 our remit.

8 Q. Has Hennepin County ever had a policy on
9 the closure of encampments not on Hennepin County
10 property?

11 A. I've worked for Hennepin County since late
12 2016, so ever, I can't answer. But I can't imagine
13 why we would, because it would be completely outside
14 of our arena.

15 Q. So you don't know of one that's existed?

16 A. Correct.

17 Q. Okay. Does Hennepin County have any
18 procedures regarding encampments on Hennepin County
19 property aside from what's in the administrative
20 manual?

21 MS. PIERCE: Objection. Vague.

22 A. So the administrative manual sets out a
23 policy position. Of course, in operation, when I
24 talk about our first response being to connect
25 people to safer alternatives, that calls for some

1 procedures, whether formal or informal, involving my
2 team, typically members from my team, getting out to
3 engage with people, communicate with them about
4 alternatives.

5 So I don't believe pieces like that -- I
6 don't believe the policy goes into that level of
7 detail, of the who goes out and exactly what
8 conversations they have. So there are pieces
9 that -- that we operationalize, yeah.

10 Q (BY MS. STILLMAN) Are those procedures
11 that you just mentioned in writing?

12 A. We have done some work between our team
13 and other involved county departments to kind of set
14 out, this is how we will approach a situation like
15 this, ensuring that we are being person-sensitive
16 and leading with Human Services.

17 Q. And is -- are those procedures in writing?

18 A. There's been written documentation shared
19 between parties that set out pieces of this.

20 Q. How have those written pieces been shared?

21 A. Typically by email.

22 Q. Have they been compiled into one document?

23 MS. PIERCE: Objection. Foundation.

24 A. Yeah, I'm not sure.

25 Q (BY MS. STILLMAN) So to the best of your

1 knowledge, there currently isn't a -- one document
2 that lays out the procedures regarding encampments
3 on Hennepin County property?

4 MS. PIERCE: Objection. Misstates
5 witness's testimony.

6 A. The administrative manual sets out the
7 policy. Procedures and operationalization fills in
8 behind that. I'm not aware of a formal document
9 that compiles all of that, but pieces of practice
10 have been put into writing.

11 Q (BY MS. STILLMAN) Where are those written
12 pieces and practices located?

13 A. Where I have seen them has been emails
14 between the parties working on process pieces.

15 Q. Have you provided those written procedures
16 to your staff?

17 MS. PIERCE: Objection. Misstates
18 witness's testimony.

19 A. I'll reference the point that I made
20 earlier, which is that the vast majority of my staff
21 have no involvement in encampments. So it would be
22 completely inappropriate to provide them with
23 materials that doesn't pertain to their jobs.

24 The specific individuals on my team who do
25 work in this space are the people involved in the

1 operational -- operationalization of processes. So
2 it would not be accurate to say that I provide to
3 them.

4 Q (BY MS. STILLMAN) Have you helped develop
5 these procedures?

6 A. I look to the subject matter experts on my
7 team to develop the best, most person-centered way
8 to operationalize this. I may have provided input,
9 feedback.

10 Q. Who are the individuals on your team that
11 you -- have developed the procedures?

12 MS. PIERCE: Objection. Vague.

13 A. I'm not sure that I would say that I have
14 had them develop these procedures. But putting that
15 to one side, Erin Wixsten, as the principal planning
16 analyst, is the person I look to to be the subject
17 matter expert in our response to unsheltered
18 homelessness generally, and then specifically to
19 work with our team on the best response in
20 situations on Hennepin County-owned property.

21 Q (BY MS. STILLMAN) Who do you mean by "our
22 team"?

23 A. Thank you. Good question. Because, as
24 I've said, most of my team don't work in this space.
25 The people that specifically have a role around

1 responding to unsheltered homelessness are the
2 aforementioned Streets to Housing.

3 There is potentially also a role for
4 social workers in the homeless access team. They
5 have expertise and may -- may be called in to assist
6 with individuals.

7 Q. Did you ask Erin Wixsten to write
8 procedures regarding encampments on Hennepin County
9 land?

10 A. I am not sure if I would have made a
11 request in exactly those words. It's Erin's
12 position to be our subject matter expert; develop
13 our response on unsheltered homelessness, including,
14 but not limited to, encampments; including, but not
15 limited to, encampments on Hennepin County-owned
16 property.

17 So whether I directed or it emerged
18 otherwise, potentially from her bringing forward
19 work, I couldn't say at this point.

20 Q. Does Hennepin County have any procedures
21 regarding encampments on property owned by an entity
22 other than Hennepin County?

23 A. Essentially, no. That would be completely
24 outside our remit, except that, as the Human
25 Services -- in our Human Services capacity, our

1 Streets to Housing will serve people in terms of
2 connecting them to services in any unsheltered
3 setting. It does not have to be on Hennepin County
4 property.

5 Q. Did Hennepin County have any procedures
6 regarding encampments separate from what's included
7 in the administrative policy in 2018?

8 MS. PIERCE: Can I have the question read
9 back, please?

10 (Whereupon, the court reporter read back
11 the requested portion of the record.)

12 A. I thought I had already answered this.
13 But, no, not to the best of my knowledge.

14 Q (BY MS. STILLMAN) You answered regarding
15 policies.

16 A. I see.

17 Can you restate this question? Sorry.

18 Q. Yes. Does Hennepin County have any
19 procedures -- Did Hennepin County have any
20 procedures regarding encampments separate from what
21 was included in the administrative manual in 2018?

22 A. And I think part of what confuses me here
23 is, of course, that policy and the administrative
24 manual didn't exist in 2018. So the "aside from" is
25 kind of irrelevant. But putting that to one side,

1 we did not have formal procedures, no.

2 Q. Did Hennepin County have any procedures
3 regarding encampments in 2019?

4 MS. PIERCE: Encampments on Hennepin
5 County property, off Hennepin County, or all
6 encampments?

7 Q (BY MS. STILLMAN) All encampments.

8 A. So -- and without kind of -- I'm a little
9 tempted to ask you to define "procedures."

10 Look. We work with community partners in
11 response to homelessness. So, for instance, we
12 would have a meeting with outreach teams around what
13 they were seeing in encampments and how service
14 delivery was going. I don't know if that qualifies
15 as a procedure that we would have a recurring
16 meeting, but we would do things like that.

17 Q. When did you start doing things like that?

18 MS. PIERCE: Objection as to "you."
19 Objection as to time frame, vague, compound.

20 A. It seems that you are asking when did we
21 start having meetings at which situations at
22 encampments were discussed.

23 That practice predates my arrival at
24 Hennepin County. Of course, as with meetings, there
25 are various iterations over the years.

1 Q. (BY MS. STILLMAN) Do you attend any
2 meetings at which encampments are discussed
3 currently?

4 A. So I attend some days seven, eight
5 meetings in a row. My role is around homelessness.
6 And although, as I've said, the vast majority of
7 people experiencing homelessness will never be in an
8 encampment, and it becomes even more the case when
9 we span out to people at risk of homelessness or
10 people who are formerly experiencing homelessness,
11 and yet, yes, encampments crop up in my meetings
12 disproportionately.

13 Q. Did you have meetings at which encampments
14 were -- during which encampments were discussed in
15 2020?

16 A. Yes.

17 Q. Who were at those meetings?

18 MS. PIERCE: Objection. Compound.

19 A. So I've just described my current life,
20 which is kinda seven hours of straight meetings. In
21 20- -- in 2020, frankly, it was more like 10 to 12
22 hours of straight meetings on a daily basis all
23 year round.

24 I was in so many meetings. There were
25 various compositions in those meetings. I met with

1 people experiencing homelessness, outreach workers,
2 residents, other government entities, nonprofit
3 partners. I met with a lot, a lot of people in
4 2020.

5 Q (BY MS. STILLMAN) So you just used the
6 term outreach worker.

7 A. Uh-huh.

8 Q. What do you mean when you say outreach
9 worker?

10 A. So outreach is a specific service
11 component in the homeless response system. And
12 specifically there are agencies that have been
13 funded to deliver kind of, quote/unquote, outreach
14 services in our community.

15 Traditionally, a lot of that work is going
16 to the location of people experiencing unsheltered
17 homelessness or otherwise in public spaces,
18 interacting with them nominally, connecting them to
19 services; perhaps assisting with basic needs:
20 Providing water, socks, and the suchlike.

21 Q. And you don't consider the staff in the
22 Streets to Housing to be outreach workers, correct?

23 A. So I think it's important to distinguish
24 their focus from that of traditional outreach. And
25 it's in the name as well. Our Streets to Housing

1 are focused on getting people out of unsheltered
2 homelessness as quickly as possible and into housing
3 as quickly as possible, not meeting basic needs,
4 providing water, socks, and the suchlike.

5 Q. Did Hennepin County have any guidance
6 regarding homeless encampments -- or let's -- does
7 Hennepin County have any guidance regarding homeless
8 encampments currently?

9 MS. PIERCE: Objection. Vague as to
10 location of encampments. Vague as to the meaning of
11 guidance.

12 A. And, sorry, that was going to be my
13 question. Can you explain what you mean by
14 guidance? To whom and in what --

15 Q (BY MS. STILLMAN) I mean, generally, do
16 you have guidance that you provide to your staff on
17 homeless encampments?

18 MS. PIERCE: Same objections. I mean,
19 vague to as to guidance, vague as to encampments,
20 vague as to location of encampments. Vague.

21 A. I know a lot of it depends on staff,
22 because their roles -- many do not interact with
23 encampments. To all of those that do, they may have
24 different functions.

25 Q (BY MS. STILLMAN) So the ones who do

1 interact with encampments, do you provide them with
2 any guidance regarding encampments?

3 MS. PIERCE: Same objections.

4 A. Yeah, I am not exactly sure still what you
5 mean by "guidance." Their direction, their role,
6 their remit provided by myself, and then through the
7 management and leadership structure is, your
8 function is to help people get into safer
9 alternatives, specifically housing, as quickly as
10 possible. That is your job.

11 Q (BY MS. STILLMAN) Is that direction in
12 writing?

13 A. I mean, it's in job descriptions.

14 Q. Anything other than job descriptions?

15 MS. PIERCE: Objection, vague. Objection,
16 compound. Objection, time period.

17 A. It may appear in emails. It may appear in
18 minutes of that unit meeting. But I am speculating,
19 because I am not necessarily in those unit meetings
20 and I don't necessarily see all emails.

21 Q (BY MS. STILLMAN) Was there written
22 direction for Hennepin County staff regarding
23 homeless encampments in 2018?

24 MS. PIERCE: Objection. Vague as to
25 direction, vague as to staff, vague as to

1 encampments.

2 A. Yeah.

3 MS. PIERCE: Irrelevant as to 2018.

4 A. I -- I'm not sure what that would mean or
5 look like.

6 Q (BY MS. STILLMAN) Written instructions
7 that were provided to Hennepin County staff
8 regarding encampments.

9 MS. PIERCE: Objection, vague. Objection,
10 asked and answered. Objection, irrelevant.

11 A. Not that I am aware of.

12 I will note that there are Hennepin County
13 staff who interact with encampments that were not
14 directly under my supervision, particularly in 2018.
15 And so I cannot speak to written direction that they
16 may have developed or received from other parties.

17 Q (BY MS. STILLMAN) Did your staff have any
18 written direction regarding -- or did anyone on your
19 staff have any written direction regarding
20 encampments in 2019?

21 MS. PIERCE: Objection, vague. Objection,
22 foundation. Objection, relevance.

23 A. I -- I really don't -- I really don't know
24 what you mean by "written direction." I'm still
25 struggling to understand what that would look like,

1 what -- what it is that you're kind of asking about
2 here.

3 People experiencing unsheltered
4 homelessness, in some occasions, stay at
5 encampments. These are things that get discussed.
6 Written materials -- emails, particularly -- may
7 occur. But I -- I don't know that I qualify this as
8 guidance. I don't really know what you're -- what
9 you're looking for.

10 Q (BY MS. STILLMAN) Okay. I'll try to
11 clarify.

12 We'll start with currently. Currently, do
13 you provide your staff who interact with homeless
14 encampments any written instructions for what to do
15 with residents of a homeless encampment?

16 MS. PIERCE: Objection. Vague.

17 Do you mean in any form?

18 MS. STILLMAN: Yeah.

19 Q (BY MS. STILLMAN) So let's say one of your
20 staff were to go to a homeless encampment.

21 A. Uh-huh.

22 Q. Are there written instructions as to what
23 they're supposed to do there?

24 MS. PIERCE: Objection. Vague.

25 Does that include emails?

1 Q (BY MS. STILLMAN) Anything other than
2 emails.

3 A. So the structure of my department, the
4 Streets to Housing have a supervisor who reports up
5 through a chain, ultimately to myself. I have not
6 seen written direction to that staff. But, of
7 course, it is my assumption and understanding that
8 that supervisor is providing them with the direction
9 they need to carry out their jobs effectively, their
10 jobs being, as I've described, help people in
11 unsheltered settings get to safer alternatives.

12 Q. Who's the supervisor of the Streets to
13 Housing team currently?

14 A. Lisa Gustner.

15 Q. Could you spell that last name, please?

16 A. Yeah, but with some risk that I'm going to
17 misspell her surname, and I don't want to insult
18 anybody. I believe it's G-u-s-t-n-e-r.

19 THE WITNESS: My apologies, Lisa, if I've
20 got it wrong.

21 Q. (BY MS. STILLMAN) Was there anybody in
22 that role prior to Lisa?

23 A. No. The team didn't exist.

24 Q. Okay. Before you started working with
25 Hennepin County in 2016, did you have any experience

1 working with the homeless population?

2 A. Yes, though I would never use that term.

3 Q. What term would you use?

4 A. People experiencing homelessness.

5 Q. What was your experience?

6 A. I worked for one month short of a decade
7 for a national homelessness nonprofit in the UK. I
8 also worked for a local nonprofit in Phnom Penh,
9 Cambodia that worked with young people and children
10 who were living and working on the streets.

11 Q. What did you do at that nonprofit that you
12 worked at for approximately a decade?

13 MS. PIERCE: Objection. Vague.

14 A. A decade's a long time.

15 I started as an administrative assistant
16 supporting projects around the country, one of which
17 was helping people getting into private rented
18 accommodation, the other of which was providing
19 mental health services in settings where people
20 experiencing homelessness were -- were present.

21 Over the course of a decade, I fulfilled
22 many other functions, which I'm happy to describe if
23 you want me to go down that road.

24 Q (BY MS. STILLMAN) Yeah. That would be
25 helpful.

1 A. Sure. I worked as -- Let me see. What
2 was the title? Support worker in our -- I will call
3 it a drop-in center, because I think that will be an
4 easier point of reference here that we would not --
5 a little bit like my distinction with the outreach
6 workers earlier. We would very deliberately not
7 have called it a drop-in center at the time. It was
8 our Skylight center in east London. It's a
9 beautiful building in which we offered engagement,
10 education and employment services for people
11 experiencing homelessness.

12 This included a beautiful art room, a yoga
13 studio, karate classes, as well as being a support
14 work, which meant I got to run around with a big
15 ball of keys and just kind of attend to people's
16 needs. I volunteered teaching in the guitar class,
17 for instance.

18 So I did that for a spell. I did
19 administrative work on these projects around the
20 country for a spell.

21 I became a project manager in 2004. At
22 that point I was primarily responsible for providing
23 funding to community-based organizations around the
24 country that were helping people exit homelessness
25 and enter housing. I built out that program to add

1 an education and engagement component that worked on
2 strengths-based life skills for people exiting
3 homelessness.

4 I then became a development manager. We
5 were doing consultancy and training services for
6 organizations around the UK with funding from the
7 national government.

8 And, finally, I managed a three-year
9 development program with central government funding,
10 through which we worked with community-based
11 agencies all over the country to help 8,000 people
12 exit homelessness or being at risk of homelessness
13 into housing. And I managed and designed that
14 program.

15 I left with a nine-month notice period to
16 make sure there was a smooth transition about
17 halfway through that period, but I was very proud
18 when they hit the 8,000 mark ahead of the three-year
19 mark.

20 Q. And during approximately what years were
21 you working at this nonprofit?

22 A. January 2002 to November 2011.

23 Q. And did you move to Cambodia in 2011,
24 then?

25 A. Yes. I arrived in Cambodia on the 11th of

1 the 11th, 2011, I believe. I must be right about
2 that. I can't have just made it up.

3 Q. And were you working with people
4 experiencing homelessness the entire time you were
5 in Cambodia?

6 A. No.

7 Q. When were you working with people
8 experiencing homelessness when you were in Cambodia?

9 A. So I had two jobs during my time in
10 Cambodia, the first of which is the one that I
11 alluded to earlier. And this was a nonprofit
12 working with children and young people who were
13 living and working on the streets of Phnom Penh.

14 Now, I will say, in Cambodia, experiencing
15 homelessness is conceived of, thought of, very
16 differently. It's a very different context. The
17 organization would not have defined itself as a
18 homelessness organization per se, but in my mind, we
19 were working with a population that was living and
20 working on the streets, including people who had
21 nowhere to stay.

22 Q. And then what was your other job?

23 A. So I was in Cambodia for a total of about
24 four years. The first two years I was with that
25 nonprofit. The second half of my time -- actually,

1 a little under two years -- I worked for an
2 international development organization known as VSO.

3 Q. And -- oh, I apologize.

4 A. It's one of these things where like the
5 acronym used to stand for something, and they
6 decided they didn't want it to stand for that thing
7 anymore, but they didn't want to change the brand so
8 they kept the letters, which is always super
9 confusing.

10 It originally stood for Volunteer --
11 Voluntary Services Overseas, I think. But, like I
12 say, they -- they had kind of dropped that title and
13 still going by VSO while I was there.

14 Q. And what did you do for that organization?

15 A. I was the education program manager.

16 Q. And what did you do as the education
17 program manager?

18 A. I managed a team of international experts
19 who were doing capacity building work within the
20 education system in Cambodia.

21 Q. When you started working for Hennepin
22 County, did you receive any training regarding
23 issues experienced by the -- by people experiencing
24 homelessness?

25 A. No.

1 Q. Have you ever received any training from
2 Hennepin County regarding issues experienced by
3 people experiencing homelessness?

4 A. No.

5 Q. Since you started at Hennepin County, have
6 you attended any conferences regarding issues
7 relating to people experiencing homelessness?

8 A. Yes.

9 Q. Which conferences?

10 A. I have attended the National Alliance to
11 End Homelessness conference on more than one
12 occasion. I can tell you that I was there in 2017,
13 because that was how I spent my 40th birthday.

14 I can tell you that I was at the
15 conference on the West Coast, also -- that was in
16 D.C., the 2017 one. On the West Coast, I was at the
17 conference -- it must have been early 2019. Or was
18 it early 2020? I honestly forget which. Before the
19 pandemic.

20 I think I went to the Washington
21 conference twice and one conference on the
22 West Coast through the National Alliance to End
23 Homelessness.

24 I also attended a conference organized by
25 an organization called C4, formerly known as the

1 Center for Social Innovation, I believe. They
2 changed their name somewhere around this time. And
3 that was part of their supporting partnerships for
4 Anti-Racist Communities' work, in which Hennepin
5 County was a participant.

6 Oh. And Baltimore, the 100-day challenge
7 on youth homelessness, was another event that I
8 attended. I'm sure there's a couple of others that
9 I'm not thinking of.

10 Q. Since you started working for Hennepin
11 County in 2016, have you attended any trainings
12 regarding issues experienced by people experiencing
13 homelessness that were put on by an organization or
14 entity other than Hennepin County?

15 MS. PIERCE: Objection. Asked and
16 answered.

17 A. One clarification. I have -- there's a --
18 there used to be an event put on, I think it was by
19 MESH. I've been asked to come and speak at some
20 events, some of which may have been considered
21 training, for other parties.

22 Q (BY MS. STILLMAN) But you haven't attended
23 any trainings specifically?

24 MS. PIERCE: Objection. Misstates the
25 witness's testimony.

1 A. Right. Actually, yes, because you used
2 "attended."

3 Sorry. Yes. Carry on.

4 Q (BY MS. STILLMAN) Did you attend in a
5 nonpresentation fashion?

6 MS. PIERCE: Objection. Misstates the
7 witness's testimony.

8 A. I cannot recall being a trainee at a
9 formal training on issues related to homelessness.

10 Q (BY MS. STILLMAN) Can you recall being a
11 trainee in an informal fashion on issues related to
12 homelessness?

13 MS. PIERCE: Objection. Vague.

14 A. I consider myself a lifelong learner. I
15 consider everything I do informal training.

16 Q (BY MS. STILLMAN) When Erin Wixsten began
17 working for house -- Housing Stability, did Erin
18 Wixsten have any experiencing -- experience working
19 with people experiencing homelessness?

20 MS. PIERCE: Objection. Foundation.

21 A. When we hire staff, of course experience
22 is one of the things that we're looking for. It so
23 happens that, yes, Erin Wixsten has significant
24 experience working in this field.

25 Q (BY MS. STILLMAN) What experience is that?

1 MS. PIERCE: Objection. Foundation.

2 A. Not going to claim to be the best person
3 to reel off the -- the highlights of somebody's
4 résumé. What I can share from my recollection is
5 she had spent time as a technical assistant for HUD,
6 working for an organization called OrgCode, and that
7 she had a significant career with a youth
8 homelessness nonprofit in the community.

9 Q (BY MS. STILLMAN) And how do you know
10 that?

11 A. I mean, I know Erin, and we have spoken
12 about what she did before and -- yeah.

13 MS. STILLMAN: I am marking document Bates
14 stamped MPLS_BERRY075298 as Exhibit 205.

15 (Deposition Exhibit Number 205 marked for
16 identification.)

17 MS. STILLMAN: And then I'll -- I'll hand
18 these both to you. But just marking document Bates
19 stamped MPLS_BERRY075299 as Exhibit 206, which I'll
20 represent is the attachment to Exhibit 205.

21 (Deposition Exhibit Number 206 marked for
22 identification.)

23 Q. (BY MS. STILLMAN) Do you recognize this
24 document? Well, do you recognize document
25 Exhibit 205?

1 A. That's related to the email, right?

2 Q. Yes.

3 A. A little bit like my comment about the
4 meetings earlier. I do send and receive hundreds of
5 emails a week, sometimes a day. And this is from --
6 when is this from? Two years ago.

7 Oh, I don't recall this specific email,
8 no.

9 Q. Is your email address
10 David.Hewitt@Hennepin.us?

11 A. Yes.

12 Q. Has that been your email address since you
13 started working for Hennepin County?

14 A. Yes.

15 Q. Okay. Do you recognize the document
16 that's been marked as Exhibit 206?

17 A. Hmm. I can't say that I recall this
18 specific document, no.

19 Q. Do you remember working on an encampment
20 response process with Katie Topinka in 2021?

21 MS. PIERCE: Objection. Vague.

22 A. Katie and I worked closely in terms of
23 communication. We need -- felt we needed to be in
24 regular communication. This was one of the main
25 issues in which we did communicate.

1 Honestly, this document itself I do not
2 recall. But, I mean, it -- it follows a structure
3 that I'm somewhat familiar with, I guess.

4 Q (BY MS. STILLMAN) What do you mean by it
5 follows a structure you're somewhat familiar with?

6 A. I mean the sharing of draft documents,
7 specifically the piece Foundational Principles, is
8 very close to my heart. And these foundational
9 principles had been discussed at meetings prior to
10 the pandemic. And there was a general consensus
11 that these were reasonable foundational principles
12 for this work.

13 Q. If you'd turn to page 3. The top comment
14 says, RJB13.

15 Do you see that?

16 A. Yes.

17 Q. Okay. And then the fourth comment is,
18 commented DH16R16? Is that you, David Hewitt?

19 MS. PIERCE: Objection. Foundation. Not
20 his document.

21 A. Those are my initials. I am not sure
22 beyond that.

23 Q (BY MS. STILLMAN) If -- when you receive
24 an email from Katie Topinka with an attachment, what
25 do you do with that email?

1 MS. PIERCE: Objection. Compound,
2 incomplete hypothetical, calls for speculation.

3 A. I can say, as a general principle, if I
4 receive an email from Katie, I'm going to read it
5 and respond accordingly.

6 Q (BY MS. STILLMAN) Is it your practice to
7 delete emails from Katie Topinka that include
8 attachments?

9 A. No.

10 MS. PIERCE: Object.

11 THE WITNESS: Sorry.

12 MS. PIERCE: Same objections.

13 Q (BY MS. STILLMAN) Did you help draft
14 document marked as Exhibit 206?

15 MS. PIERCE: Objection. Vague.

16 A. Not to the best of my recollection. Like
17 I say, there is material in here that is familiar to
18 me, in particular Foundational Principles. So
19 it's -- and, like I say, I send and receive hundreds
20 of emails daily, if not weekly -- well, other way
21 around -- weekly, if not daily, so --

22 Q (BY MS. STILLMAN) Do you know if there's a
23 final version of this encampment response process
24 document?

25 MS. PIERCE: Objection. Vague.

1 A. Not to the best of my knowledge. I would
2 be surprised.

3 Q. (BY MS. STILLMAN) In 2021 did you work
4 with employees of the City of Minneapolis to develop
5 encampment response processes?

6 MS. PIERCE: Objection. Vague, compound.

7 A. That's not how I would describe our work
8 together. We were certainly in regular
9 communication. They looked to us as subject matter
10 experts with regards to homelessness.

11 Q (BY MS. STILLMAN) How would you describe
12 your work with them?

13 MS. PIERCE: Objection. Misstates the
14 witness's testimony.

15 MS. ENSLIN: Objection. Vague.

16 A. So I will repeat the point that we were
17 looked to as the subject matter experts to provide
18 guidance around homelessness. A lot of our work
19 between myself and Katie pertained to funding
20 mechanisms that were coming through the City and
21 County that enabled us to stand up services for
22 people experiencing homelessness.

23 Q (BY MS. STILLMAN) So if you look at the
24 introduction, it says, The City, County, MPRB and
25 State? are responsible for maintaining public land

1 within the City of Minneapolis. Each entity has a
2 shared responsibility for ensuring the health and
3 safety of those who use public land and for the
4 health and safety of neighboring residents,
5 homeowners and businesses.

6 Correct? Do you see that?

7 A. I see it, yes.

8 Q. Yeah. In recent -- and then the next
9 paragraph starts, In recent years, there has been an
10 increase in the use of public land for encampments
11 by -- residents is crossed out, and added persons
12 experiencing unsheltered homelessness in our
13 community. In response to this increase in
14 unsheltered homelessness, the City, County, State
15 and MPRB have made significant investments in the
16 homeless response system.

17 Do you see that?

18 A. I do.

19 Q. Do you agree that, in response to the
20 increase in unsheltered homelessness, the City,
21 County, State and MPRB have made significant
22 investments in the homeless response system?

23 MS. PIERCE: Objection. Vague.

24 A. And speaking for the County, we have
25 certainly made significant investments in the

1 homeless response system during this period, both in
2 relation to addressing unsheltered homelessness and
3 in relation to addressing homelessness more broadly.

4 Q (BY MS. STILLMAN) The last sentence reads,
5 The City and County have increased funding to
6 contracted outreach providers to provide services
7 and connections to housing and shelter for those who
8 are staying outdoors.

9 Do you see that?

10 A. I do.

11 Q. Did the County increase funding to
12 contracted outreach providers to provide services in
13 connection to housing and shelter for those who are
14 staying outdoors?

15 MS. PIERCE: Objection, vague, including
16 as to time period.

17 A. Early in the pandemic in 2020, we
18 allocated funding to the American Indian Community
19 Development Corporation and the Minnesota Indian
20 Women's Resource Center to add outreach capacity to
21 both their organizations in order to serve residents
22 in -- in these capacities, yeah.

23 Q (BY MS. STILLMAN) In that next section,
24 Overview of Encampment Response Principles and
25 Procedures, it starts, Each entity will approach

1 response to encampments with a shared set of
2 principles and procedures. The purpose of sharing a
3 set of principles and procedures is to provide
4 clarity to residents of encampments, outreach teams
5 and the public about how encampments will be
6 addressed uniformly across jurisdictions.

7 Do you see that?

8 A. I do.

9 Q. Does Hennepin County have a shared set of
10 principles and procedures with the City of
11 Minneapolis regarding encampments?

12 MS. PIERCE: Objection, foundation.
13 Objection, vague.

14 A. No.

15 Q (BY MS. STILLMAN) Why not?

16 MS. ENSLIN: Objection. Calls for
17 speculation.

18 A. Hennepin County has a specific remit which
19 we carry out. We have a Human Services remit to try
20 and support the needs of people experiencing
21 homelessness. And with regards to Hennepin County
22 property, we have a property management remit. And
23 these aren't shared remits.

24 (Reporter clarification.)

25 Q (BY MS. STILLMAN) So, again, the second

1 sentence reads, The purpose of sharing a set of
2 principles and procedures is to provide clarity to
3 residents of encampments, outreach teams and the
4 public about how encampments will be addressed
5 uniformly across jurisdictions.

6 Do you think it's important to have a
7 shared set of principles to provide clarity to
8 residents of encampments about how encampments will
9 be addressed uniformly across jurisdictions?

10 MS. PIERCE: Objection. Vague, calls for
11 speculation.

12 A. I think my answer is, no, but there was a
13 lot in the question.

14 Q (BY MS. STILLMAN) Do you think it's
15 important for government entities to have a shared
16 set of principles and procedures to provide clarity
17 to outreach teams about how encampments will be
18 addressed uniformly across jurisdictions?

19 MS. PIERCE: Objection, vague, including
20 as to municipal entities and outreach workers; calls
21 for speculation.

22 A. Yeah. I think my answer is, no.

23 Q (BY MS. STILLMAN) Do you think it's
24 important to -- for governmental entities to have a
25 shared set of principles and procedures to provide

1 clarity to -- to the public about how encampments
2 will be addressed uniformly across jurisdictions?

3 MS. PIERCE: Including -- Vague, including
4 as to government entities. And calls for
5 speculation.

6 A. I will repeat that I think my answer is,
7 no.

8 I will, for this one, add one extra piece,
9 which is, you're asking me to speculate as to the
10 value of policies and procedures shared or otherwise
11 that are not in discussion here, so I -- I don't --
12 I don't have a way of saying whether this is
13 important or not. So I think my answer remains, no.

14 Q (BY MS. STILLMAN) Do you think generally
15 it's -- in your opinion, is it important to provide
16 residents of encampments with clarity about how
17 encampments will be addressed uniformly across
18 jurisdictions?

19 MS. PIERCE: Objection. Vague as to
20 across jurisdictions, residents; calls for
21 speculation; incomplete hypothetical; and possibly
22 calls for expert opinion.

23 MS. ENSLIN: Also, objection, asked and
24 answered.

25 A. I -- I think my answer remains the same.

1 I --

2 Q (BY MS. STILLMAN) Do you think it's
3 helpful to provide clarity to residents of
4 encampments about how encampments will be addressed
5 uniformly across jurisdictions?

6 MS. PIERCE: Objection. Vague, including
7 as to residents, across jurisdictions, encampments;
8 calls for speculation; and possibly expert opinion.

9 A. And for me it's that last piece. Yeah,
10 I -- the question has multiple components in it. I
11 find it hard to give an answer other than, no.

12 Q (BY MS. STILLMAN) If you go down to the
13 Foundational Principles, the first principle says,
14 Everyone experiencing unsheltered homelessness is
15 vulnerable and deserving of being treated with
16 dignity and respect.

17 What does dignity mean to you as used in
18 this foundational principle?

19 MS. PIERCE: Objection. Foundation, as he
20 did not author the document, and calls for
21 speculation and vague.

22 A. I am not sure that I have a specific
23 definition for dignity for you, but I believe it's a
24 central principle in all of our work. Quite
25 frankly, I think it's central in how we interact

1 with other human beings all of the time, that we
2 treat each other with dignity and respect.

3 But I have not provided, to the best of my
4 recollection, a specific definition of what it means
5 or what steps you must take to treat somebody with
6 dignity. I kinda feel like you know it when you see
7 it.

8 Q (BY MS. STILLMAN) In your opinion, what
9 does treating somebody with -- somebody experiencing
10 unsheltered homelessness with respect mean?

11 MS. PIERCE: Objection. Vague, compound,
12 calls for speculation.

13 A. I will say that it includes a lot of the
14 things that you would expect it to include: Making
15 eye contact, remembering somebody's name,
16 interacting with them in a warm and friendly manner
17 whenever possible.

18 Q (BY MS. STILLMAN) Do you think it involves
19 listening to them?

20 MS. PIERCE: Same objections.

21 A. I think it's a good thing to listen to
22 people.

23 Q (BY MS. STILLMAN) If you look at the third
24 foundational principle, it says, Encampment --
25 Encampments represent a serious health and safety

1 risk, particularly for those staying within the
2 encampment, and do not represent a dignified form of
3 shelter.

4 Do you see that?

5 A. Yes.

6 Q. What do you think constitutes a dignified
7 form of shelter?

8 MS. PIERCE: Do you mean as used in this
9 document, which he didn't author?

10 MS. STILLMAN: No. I'm asking generally.

11 MS. PIERCE: Okay.

12 A. I believe everybody should have a home, a
13 place that is theirs, where they can close the door
14 behind them.

15 Q (BY MS. STILLMAN) And that's your
16 definition of dignified form of shelter?

17 A. I mean, it was more a statement of belief,
18 to be honest. Of course, this particular document
19 doesn't call out what is a dignified form of
20 shelter. What it states, which I certainly agree
21 with, is that encampments do not represent a
22 dignified form of shelter.

23 Q. And I'm asking, what do you think
24 constitutes a dignified form of shelter?

25 MS. PIERCE: I'm going to -- Objection.

1 Asked and answered.

2 A. I think there are a variety of ways that
3 that can look, depending on the person and -- yeah.

4 I mean, at a very minimum, a place where
5 you are not at risk from fire, infectious disease,
6 violence and exploitation, at a very, very high
7 level, might be a starting point.

8 Q (BY MS. STILLMAN) Go to the next page. It
9 says -- starts with Cross-Jurisdictional Teams and
10 Roles, and then says, Cross-Agency Policy Team.

11 Do you see that?

12 A. Uh-huh. Yes, I do.

13 Q. Is there a cross-agency policy team
14 regarding encampment response that -- in which
15 Hennepin County participates?

16 A. No.

17 Q. Why not?

18 MS. PIERCE: Objection. Foundation.

19 A. We have two very specific remits, delivery
20 of human services, management of Hennepin County
21 property. Those are functions that we carry out.
22 We discuss those functions with partners. But there
23 is no -- no cross-policy team, no call for a
24 cross-agency policy team.

25 Q (BY MS. STILLMAN) Did you discuss this

1 document for -- with Ms. Topinka?

2 A. As I said, I don't recall this specific
3 document. But I discussed many things with
4 Ms. Topinka. And this email may well have been one
5 of them two years ago, or whenever this was from.

6 Q. So if you look at document 205, in that
7 top email, the second paragraph says that -- or this
8 top email is addressed to David, correct?

9 A. Yes.

10 Q. And the email it's addressed to is your
11 email?

12 A. Yes.

13 Q. So in that second paragraph it says, Since
14 we've already shared our draft with the group we're
15 meeting with today, I think we proceed as planned
16 and perhaps schedule a follow-up call with Parks for
17 early next week to discuss. What do you think?

18 A. I see that.

19 Q. Did you respond to this email?

20 A. I honestly don't know. I tend to be
21 responsive. So I'd be very surprised if I just
22 blanked Katie. But I do not recall.

23 Q. Did you discuss this document,
24 Exhibit 206, with Parks?

25 A. I honestly don't know.

1 Q. It says, Since we've already shared our
2 draft with the group we're meeting with today, I
3 think we proceed as planned and perhaps schedule a
4 follow-up call with Parks for early next week to
5 discuss.

6 Did you develop a draft of this with Katie
7 Topinka?

8 MS. PIERCE: Objection. Vague, asked and
9 answered.

10 A. I don't know.

11 Q (BY MS. STILLMAN) If you go to page 3, the
12 top --

13 MS. PIERCE: Do you mean of the --

14 MS. STILLMAN: Of Exhibit 206. Sorry.

15 MS. PIERCE: Yep.

16 Q (BY MS. STILLMAN) The top says, The
17 assessment information will go into a shared online
18 tracking/mapping tool and shared with the
19 responsible jurisdictions.

20 Is there a shared online tracking and
21 mapping tool of encampments that's used by Hennepin
22 County and the City of Minneapolis?

23 MS. PIERCE: Objection. Vague,
24 foundation.

25 A. No.

1 Q (BY MS. STILLMAN) How do you know that?

2 A. Can you repeat the question?

3 Q. I'll withdraw the question.

4 If there was an -- shared online
5 tracking/mapping tool of encampments that Hennepin
6 County used with another entity, would you know if
7 it existed?

8 MS. PIERCE: Objection. Foundation.

9 MS. ENSLIN: Calls for speculation.

10 MS. PIERCE: Yeah.

11 A. I -- I think it's likely -- I mean, I -- I
12 should call out, I mean, what is a shared online
13 tracking/mapping tool? Does that include an email
14 that says we're aware of an encampment over here, or
15 are you -- so -- so I'm just aware that we haven't
16 defined this term.

17 Q (BY MS. STILLMAN) If you received a
18 document from Ms. Topinka and didn't understand the
19 language that was used in the document, do you think
20 you would have followed up and asked?

21 MS. PIERCE: Objection. Vague, compound,
22 incomplete hypothetical, calls for speculation.

23 A. It would have depended how important I
24 thought it was. Yeah. I -- I can't recall.

25 Q (BY MS. STILLMAN) Do you think having an

1 encampment response process is important?

2 MS. PIERCE: Objection. Vague, compound,
3 calls for speculation, possibly calls for expert
4 testimony.

5 A. I think it's important that we, as Human
6 Services, have -- have a sense of our focus and
7 remit, which may well be written up. But when you
8 are saying a process, you know, we've already seen
9 documents here and in discussion that that could be
10 far, far broader than what I am describing.

11 So it's hard for me to say that
12 something's important or not when I don't have a
13 definition of exactly what we're talking about.

14 Q (BY MS. STILLMAN) If you to down, the last
15 bolded section on page 3 says, Engage with Street
16 Outreach. The City/County will designate which
17 contacted street outreach team will respond to the
18 encampment.

19 Does the County designate which contracted
20 street outreach team will respond to each individual
21 encampment?

22 A. No.

23 MS. PIERCE: Objection, vague. Objection,
24 assumes facts not in evidence.

25 A. No.

1 Q (BY MS. STILLMAN) Have you ever used track
2 changes in a Word document before?

3 A. Yes.

4 MS. PIERCE: Object --

5 THE WITNESS: Oh, sorry.

6 MS. PIERCE: Objection. Compound.

7 Q (BY MS. STILLMAN) Have you ever used track
8 changes to comment on a Word document before?

9 MS. PIERCE: Same objection.

10 A. Yes.

11 Q (BY MS. STILLMAN) And when you've used
12 track changes to comment on a Word document, do the
13 initial -- your initials DH appear in the comment
14 box?

15 MS. PIERCE: Objection. Vague, compound,
16 foundation.

17 A. I'm not 100 percent sure that is always
18 the way that they appear. Could be my name, could
19 be my initials, could be something else.

20 Q (BY MS. STILLMAN) Does it sometimes appear
21 as your initials?

22 MS. PIERCE: Same objections, including as
23 to foundation.

24 A. I can believe that could be the case.

25 MS. PIERCE: We've been going for about an

1 hour. Are you -- are you close to a stopping spot,
2 Counsel?

3 MS. STILLMAN: I -- Can I ask like three
4 more questions?

5 MS. PIERCE: Absolutely.

6 MS. STILLMAN: Okay.

7 Q (BY MS. STILLMAN) If you go to page 4 of
8 Exhibit 206, under Closure, it says, When the
9 decision is taken that an encampment should be
10 closed, this will be communicated immediately to the
11 cross-agent policy team who will then be responsible
12 for escalating to administration and key leaders
13 within their respective agency.

14 Who in Hennepin County makes the final
15 decision about whether an encampment on Hennepin
16 County property should be closed?

17 MS. PIERCE: Objection. Assumes facts not
18 in evidence, calls for speculation, foundation.

19 A. Ultimately, authority with regard to
20 Hennepin County property would flow up to the county
21 administrator, I believe.

22 Q (BY MS. STILLMAN) And who's the current
23 county administrator?

24 A. David Hough.

25 Q. And when did David Hough start in that

1 role?

2 MS. PIERCE: Objection. Foundation.

3 A. Before my time.

4 Q (BY MS. STILLMAN) In your opinion, do you
5 think residents of an encampment should be given
6 notice that an encampment is going to be closed?

7 MS. PIERCE: Objection. Foundation,
8 incomplete hypothetical, calls for speculation,
9 possibly calls for expert testimony, and vague as to
10 the meaning of the word resident and encampment.

11 A. I was going to say, we would never use the
12 term resident, to the best of my knowledge.

13 With regards to -- to notice, I think
14 there are certainly instances where it's desirable.
15 But, also, there are a huge range of circumstances
16 and situations that emerge within encampments, so
17 I -- I wouldn't want to speculate as to something
18 that would apply to all potential circumstances and
19 situations.

20 Q (BY MS. STILLMAN) Why don't you use the
21 term resident for someone living in a homeless
22 encampment?

23 MS. PIERCE: Objection. Vague as to the
24 meaning of the term living or -- and encampment.

25 A. I believe homelessness is unacceptable.

1 That's why I do the work I do. I don't believe we
2 should normalize or talk about people living in
3 unsheltered situations or being residents in
4 unsheltered situations.

5 Q (BY MS. STILLMAN) So what word would you
6 use instead of resident?

7 A. I would typically say something like
8 people staying in encampments, spending time in an
9 encampment.

10 Q. In what circumstances do you think
11 somebody living in an encampment should be notified
12 that the encampment will be closed?

13 MS. PIERCE: Objection. Vague as to the
14 meaning of encampment and living, calls for
15 speculation, incomplete hypothetical, possibly calls
16 for expert testimony.

17 A. Can you repeat the question?

18 MS. STILLMAN: Can you read the question
19 back, please?

20 (Whereupon, the court reporter read back
21 the requested portion of the record.)

22 MS. PIERCE: My objections remain,
23 particularly as to speculation.

24 A. Well -- and I'm trying to think of, like,
25 do I list out circumstances that -- there's a lot of

1 hypotheticals in here. Like I say, the -- the
2 variation across -- I mean, as we said earlier when
3 we talked about kind of potential definitions of
4 encampment being a single tent to something like
5 Powderhorn Park, where you have 281 people living
6 there with 600 plus tents. So it's hard for me
7 to -- to provide kind of the blanket response that
8 you're looking for here.

9 Q (BY MS. STILLMAN) Let's do it the reverse
10 way. When do you think somebody living in an
11 encampment shouldn't get notice that the
12 encampment's going to be closed?

13 MS. PIERCE: Objection. Vague,
14 particularly as to the meaning of the words living
15 and encampment; incomplete hypothetical; calls for
16 speculation; and asked and answered, essentially.

17 A. And those aren't the words that I would
18 use. But with regards to occasions in which notice
19 might not occur, extremely serious health and safety
20 issues emerge in encampments that, on occasion, may
21 require extremely urgent response.

22 Q (BY MS. STILLMAN) And why don't you think
23 notice should be given in those situations?

24 MS. PIERCE: Objection. Misstates the
25 witness's testimony, vague, compound, calls for

1 speculation, incomplete hypothetical, calls for
2 expert testimony.

3 A. Yeah. Not how I would word, or I think
4 not how I did word my answer at all. But I am
5 willing to share an example. For instance, if an
6 encampment is ravaged by fire, as has happened in
7 the past, and is then hazardous for people to live
8 in, that is a situation that changes dramatically
9 time scales around -- around any potential response.

10 Q (BY MS. STILLMAN) So it changes time
11 scales around the response, correct?

12 MS. PIERCE: Same objections, including as
13 to -- vague as to the word notice.

14 A. A situation like that creates a very, very
15 constrained time-limited crisis.

16 Q (BY MS. STILLMAN) Can you think of other
17 examples of when encampment residents shouldn't be
18 given notice that the encampment in which they're
19 living is going to be closed?

20 MS. PIERCE: Vague as to the meaning of
21 the term resident, living, encampment, notice.
22 Incomplete hypothetical, calls for speculation, and
23 possibly expert testimony.

24 A. And I am certainly not using the language
25 of "shouldn't be provided."

1 How many hypotheticals are you looking for
2 me to kind of think up here?

3 Q (BY MS. STILLMAN) Give me a couple
4 examples.

5 MS. PIERCE: Same objections.

6 A. So I've provided one already.

7 Q (BY MS. STILLMAN) Uh-huh.

8 A. And another one could be serious violence,
9 up to and including gunfire and homicide on the
10 site.

11 Q. How do you define immediate health and
12 safety concern --

13 MS. PIERCE: Objection. Vague, compound.

14 Q (BY MS. STILLMAN) -- as it relates to an
15 encampment?

16 MS. PIERCE: Objection. Vague, compound.

17 A. For what it's worth, by leaning very
18 heavily on other people who are experts, such as my
19 colleagues in public health.

20 Q (BY MS. STILLMAN) If there isn't an
21 immediate health and safety concern, do you think
22 people living in an encampment should be given
23 notice that the encampment is going to close?

24 MS. PIERCE: Objection. Vague as to
25 resident, encampment, notice; incomplete

1 hypothetical; calls for speculation; vague.

2 A. I agree with all of that.

3 What I will say is, I think there can be
4 benefit to providing a notice period --

5 Q (BY MS. STILLMAN) What are --

6 A. -- if circumstances allow.

7 Q. What is the benefit to providing a notice
8 period?

9 MS. PIERCE: Objection. Vague, compound.

10 A. I'm generally a fan of providing clarity.

11 Q (BY MS. STILLMAN) Why are you a fan of
12 providing clarity?

13 MS. PIERCE: Objection. Vague, compound.

14 A. So the people can make decisions with the
15 best information available.

16 Q (BY MS. STILLMAN) I'm sorry. Can you
17 repeat that answer?

18 MS. PIERCE: Why don't we have the court
19 reporter read it back.

20 MS. STILLMAN: Sure.

21 (Whereupon, the court reporter read back
22 the requested portion of the record.)

23 Q (BY MS. STILLMAN) Why do you think it's
24 important that people be able to make decisions with
25 the best information available?

1 MS. PIERCE: Objection. Vague, compound.

2 A. This feels a little bit like the dignity
3 question. I mean, I think that all of us in our
4 life, when we're making decisions -- and you are --

5 Can you frame the question another way?

6 MS. PIERCE: Or we're -- we're coming up
7 at an hour and a half, so I'd like to take a break
8 after your next question, Counsel.

9 Q (BY MS. STILLMAN) Do you think it's
10 beneficial for encampment -- for people living in
11 encampments to receive notice of when an encampment
12 is going to close so they can plan where they need
13 to go?

14 MS. PIERCE: Objection. Vague as to the
15 meaning of the words encampment, resident, notice;
16 incomplete hypothetical; calls for speculation;
17 calls for expert testimony; and asked and answered.

18 A. Not the words I would use. As I say,
19 depending on circumstances, of which, as we've
20 already discussed, there are a huge range and
21 variation, I think there can be benefit to providing
22 people with clarity so they can make decisions based
23 on the best information available.

24 MS. PIERCE: Let's take that break.

25 MS. STILLMAN: Okay.

1 THE VIDEOGRAPHER: We're going off the
2 record at 11:29 a.m.

3 (Whereupon, a recess was taken.)

4 THE VIDEOGRAPHER: This is Media Number 3
5 in the deposition of David Hewitt. Today is
6 February 16th, 2023. We're going back on the record
7 at 11:50 a.m.

8 Q (BY MS. STILLMAN) So before I get into the
9 next set of questions, I just wanted to give you a
10 definition. So when I say encampment, I am
11 referring to a -- two or more tents where people
12 live. Okay?

13 MS. PIERCE: And we object to the -- the
14 use of the word live. We --

15 THE WITNESS: Yeah.

16 MS. PIERCE: I mean, we don't agree to
17 that definition, but I appreciate your -- your
18 telling us at least how you're using it.

19 A. Tents, two or more people, I hear.

20 Q (BY MS. STILLMAN) Sorry. What was that?

21 A. So you're saying tents, two or more people
22 as -- yeah. Yeah. The other part of the
23 definition --

24 Q (BY MS. STILLMAN) Two or more tents where
25 people live.

1 A. I -- I would agree -- argue with.

2 Yeah. Carry on.

3 Q. Okay. You are aware that there were
4 encampments on property owned by the Minneapolis
5 Park and Recreation Board, correct?

6 MS. PIERCE: Objection. Vague.

7 Q. (BY MS. STILLMAN) In 2020?

8 A. Over the course of 2020, I am aware that
9 there were encampments on Park Board property, yes.

10 Q. Did you ever visit any of those
11 encampments?

12 A. I had very little business reason to
13 actually be physically present at encampments at any
14 point in 2020 and -- and generally.

15 You're asking specifically about sites
16 that were on Park property?

17 Q. Yes.

18 A. So the only one that I recall -- and even
19 here I was kind of tangentially present -- would
20 have been the park in North Minneapolis, Logan. And
21 I was actually there to -- for a meeting in a church
22 on the north side of the park.

23 But stretching the -- the question to
24 physical presence, I was there. And, of course,
25 otherwise I live in the city of Minneapolis, so --

1 Q. Which church?

2 A. Oh. What is its name? The -- the actual
3 event I was there for was, there's an -- or a
4 community group called Envision who had a model tiny
5 home in the parking lot out back. And I was
6 visiting that and meeting with the people who were
7 involved in it. I couldn't tell you the name of the
8 church, though.

9 Oh, was it Elim? Anyway. It might have
10 been Elim. We deal with a lot of different
11 faith-based agencies, and this is a while back, so
12 I'm searching my memory a little bit.

13 MS. STILLMAN: We're going to be going to
14 a document that was previously marked as
15 Exhibit 137.

16 (Previously Marked Exhibit Number 137
17 introduced to the witness.)

18 A. Do you want this one back?

19 Q. (BY MS. STILLMAN) No. You keep them.

20 A. I see.

21 MS. PIERCE: And then you hand them to the
22 court reporter.

23 THE WITNESS: I see.

24 MS. PIERCE: Rebecca, from exhibits
25 already marked, do you get those back or does

1 Christine get those?

2 MS. STILLMAN: I think the -- I haven't
3 been taking them back.

4 MS. PIERCE: Great.

5 MS. STILLMAN: I'm sorry. What exhibit
6 number? 137.

7 And if everyone could let me know when
8 they've located 137.

9 Okay. So --

10 MS. ENSLIN: I do not have it. Sorry.

11 MS. STILLMAN: Can we go off the record
12 while the phone finishes ringing, please?

13 (Discussion held off the record.)

14 Q. (BY MS. STILLMAN) Okay. You agree that
15 this is an email from Kat Purcell to you and a list
16 of other people dated July 20th, 2020, correct?

17 A. It appears to be, yep.

18 Q. And the email reads, Hello. Which of you
19 was involved in the decision to spend 300K in
20 contracts on bulldoze people's tents today?

21 Correct?

22 A. That's what I read in the first line, yep.

23 Q. So as early as July 20th, 2020, you were
24 hearing the concern that encampment residents'
25 property was being destroyed at encampment closures,

1 correct?

2 MS. PIERCE: Objection. Misstates the
3 document, assumes facts not in evidence,
4 argumentative.

5 A. Yeah. I'm not sure where you're referring
6 to on this document.

7 Q (BY MS. STILLMAN) Well, Kat Purcell said,
8 Which of you was involved in the decision to spend
9 300K in contracts on bulldoze people's tents today?

10 MS. PIERCE: Same objections. Also, the
11 document speaks for itself.

12 A. What is the question? Sorry?

13 Q (BY MS. STILLMAN) So on July 20th, 2020,
14 you got an e-mail from Kat Purcell asking about the
15 decision to bulldoze people's tents.

16 A. I mean, I can see that that's the question
17 that she has written in this email, as we look at it
18 here today, yes.

19 Q. Did you receive other emails from members
20 of the public expressing concerns -- or did you
21 receive other emails from the public expressing that
22 people's property was bulldozed at an encampment
23 closure on July 20th of 2020?

24 MS. PIERCE: Objection. Compound.

25 A. I can believe that I did. And I do not

1 have a photographic recall of emails I received on
2 July 20 of 2020.

3 Q (BY MS. STILLMAN) Did you see -- receive
4 other emails from the public expressing concerns
5 about how sweeps were conducted in 2020?

6 MS. PIERCE: Objection. Vague, including
7 as to the use of the word sweep. And compound.

8 A. Sorry. Can you repeat the question? Or
9 can I get the question again?

10 MS. PIERCE: Let's have the question read
11 back.

12 THE WITNESS: Yeah.

13 (Whereupon, the court reporter read back
14 the requested portion of the record.)

15 MS. PIERCE: Same objections.

16 A. Again, noting that I do receive hundreds
17 of emails every week, indeed sometimes throughout a
18 day. But, yes, I can believe that I received emails
19 to that effect from some quarters.

20 Q (BY MS. STILLMAN) Would you have read
21 them?

22 MS. PIERCE: Objection. Compound, calls
23 for speculation.

24 A. I can say that I read my emails.

25 Q. (BY MS. STILLMAN) Would you have saved

1 them?

2 MS. PIERCE: Objection. Compound, calls
3 for speculation.

4 A. My general practice, when receiving
5 emails, is to file them in a subfolder in Outlook,
6 for what that is worth.

7 Q (BY MS. STILLMAN) Subfolder based on email
8 topic?

9 A. You know, the filing kind of evolves over
10 time. And at some point I regret that I structured
11 it the way I did, and I try and change it. But, you
12 know, I have various headings that I put things
13 under.

14 Q. I think we all probably understand that.
15 When you received emails from the public
16 expressing concern about encampment closures, did
17 you discuss them with anyone?

18 MS. PIERCE: Objection. Vague, compound,
19 calls for speculation.

20 A. You're asking if I discussed the emails.

21 Q (BY MS. STILLMAN) Emails from the public
22 expressing concern about how sweeps were conducted
23 in 2020.

24 MS. PIERCE: Objection. Vague, compound.

25 A. I may well have discussed the content of

1 emails I received in 2020 with other people. I --
2 to get more specific, I would need more specifics.

3 Q (BY MS. STILLMAN) You acknowledge there
4 were homeless people living in encampments on park
5 property in 2020?

6 MS. PIERCE: Objection as to the use of
7 the word living.

8 A. I would never describe the situation as
9 living in encampments. I agree that there were
10 people experiencing homelessness in parks during
11 2020.

12 Q (BY MS. STILLMAN) And staying overnight in
13 the parks?

14 A. In some cases staying overnight, yes.

15 Q. And in some cases staying overnight in the
16 parks in tents?

17 A. Yes. I agree with that.

18 Q. And in some cases using those tents in
19 which they were staying as their primary form of
20 shelter?

21 MS. PIERCE: Objection. Vague, and calls
22 for a legal conclusion.

23 A. Insofar as somebody staying in that tent
24 overnight, that is clearly where they stayed on that
25 night, yes.

1 Q (BY MS. STILLMAN) And that tent would have
2 been their primary form of shelter --

3 MS. PIERCE: Objection.

4 Q (BY MS. STILLMAN) -- that night?

5 MS. PIERCE: Sorry.

6 Objection. Vague, calls for a legal
7 conclusion.

8 A. I would agree that, if they stayed in that
9 tent overnight, that is where they stayed overnight.

10 Q (BY MS. STILLMAN) Many individuals
11 experiencing homelessness living in encampments
12 in -- on property owned by the Minneapolis Park and
13 Recreation Board in 2020 had most, if not all, of
14 their belongings with them in tents, correct?

15 MS. PIERCE: Objection. Vague, compound,
16 calls for speculation, assumes facts not in
17 evidence, incomplete hypothetical.

18 A. I have no way of knowing what belongings
19 people had or where they were storing them.

20 Q (BY MS. STILLMAN) Just going forward, if I
21 say MPRB, do you -- can we agree that I'm referring
22 to the Minneapolis and Park and Recreation Board?

23 A. Yes.

24 Q. Okay. Do you agree that, if an encampment
25 closure date is not provided to people living in an

1 encampment, an encampment closure may happen when a
2 resident has left their tent and property to get
3 food or run errands?

4 MS. PIERCE: Objection. Vague, compound,
5 incomplete hypothetical, calls for speculation,
6 possibly calls for expert testimony, and calls for a
7 legal conclusion.

8 A. You are calling for a lot of speculation.
9 Probably something that is important for me to note
10 here is that I was not physically present at any
11 encampment closure.

12 Q (BY MS. STILLMAN) But you -- do you agree
13 that, if an encampment closure date is not told to
14 residents of an encampment, that the sweep could
15 happen when the --

16 I'm going to rephrase that question.

17 If someone living in an encampment doesn't
18 know the date of the encampment closure, they
19 wouldn't know to be at the encampment in order to
20 gather their property, correct?

21 MS. PIERCE: Objection. Vague, compound,
22 calls for speculation, incomplete hypothetical,
23 foundation.

24 A. I agree with all of that. And I think it
25 is reasonable --

1 Wait. Repeat the question for me. Sorry.

2 MS. PIERCE: Let's have her read it back.

3 THE WITNESS: Oh, yes. Sorry. I'll do
4 that more often.

5 (Whereupon, the court reporter read back
6 the requested portion of the record.)

7 MS. PIERCE: Same objections.

8 A. So I have problems with speculating on
9 what people would or wouldn't know to do, because
10 there are a whole bunch of factors that go into
11 risks around encampments and the potential loss of
12 property.

13 I'm -- I'm struggling to -- to speculate
14 for you here. I mean, I gave my opinion earlier on
15 on where I think there can be some benefit in
16 providing clarity in advance.

17 MS. STILLMAN: Christine, could you repeat
18 his answer for me, please?

19 (Whereupon, the court reporter read back
20 the requested portion of the record.)

21 Q. (BY MS. STILLMAN) What did you mean when
22 you said risks involving property?

23 A. One of the things that we have heard --
24 and I go back to a certain encampment, which I was
25 often present, predates all of this, which is the

1 Hiawatha/Franklin encampment in the second half of
2 20- -- 2018. And there was a hygiene service area
3 set up over the road by the American Indian
4 Community Development Corporation.

5 I was often present there. And one of the
6 things that we were looking to do was identify folks
7 who had housing referrals in the encampment in order
8 to -- to make sure we were able to expedite those
9 arrangements and then get connected to those options
10 when they existed.

11 One of the things that we heard very
12 consistently was people were unwilling to leave
13 their tents even to cross the road to come and speak
14 to us about a potential housing option. And,
15 indeed, we would find kind of trusted communicators
16 to go in and have the conversation with them on the
17 basis that they were concerned that their -- their
18 belongings would be stolen if they departed their
19 tent for any length of time.

20 And I give that as one example. As I
21 said, lots of different factors here, and there's
22 a -- you know, you're calling for a lot of
23 speculation.

24 Q. Do you acknowledge that the MPRB, during
25 encampment closures in 2020, did destroy people's

1 unabandoned property when quickly clearing
2 encampments in 2020?

3 MS. PIERCE: Objection. Vague, compound,
4 foundation, calls for speculation, incomplete
5 hypothetical, and vague as to the definition of lots
6 of words.

7 A. I wasn't present at any encampment
8 closure, including those organized by MPRB.

9 Q (BY MS. STILLMAN) Have you watched videos
10 of any of the encampment closures in 2020?

11 MS. PIERCE: Objection. Vague.

12 A. I don't think so.

13 Q (BY MS. STILLMAN) Have you read any
14 newspaper articles about any of the encampment
15 closures in 2020?

16 A. Yes.

17 MS. PIERCE: Objection. Vague.

18 Sorry.

19 A. Yes. I read newspaper articles about
20 homelessness in the Twin Cities. Not every single
21 one, but I would have read newspaper articles in
22 2020.

23 Q (BY MS. STILLMAN) Including at least some
24 articles in the Star Tribune?

25 A. I do read the Star Tribune. Uh-huh. Not

1 every single time, but, sure.

2 Q. Is it your practice to try to read
3 newspaper articles regarding homelessness?

4 MS. PIERCE: Objection. Vague, compound.

5 A. While agreeing with that, it's an
6 interesting question. I have mixed feelings about
7 it.

8 I -- I don't know if people share this
9 kind of experience, but when you are deeply involved
10 in a subject, reading news articles about it can be
11 very frustrating in the way that certain facts are
12 represented.

13 And I go all the way back to my experience
14 in the UK with this. I remember The Guardian, which
15 is a newspaper I have huge respect for, still have
16 it on my phone today, read the football on there
17 every single day. We, as crisis, published a report
18 about homelessness during the financial crisis of
19 2008. Buried in like page 58 was a piece about how,
20 you know what? The repercussions of this could get
21 to the point where even relatively well-off middle
22 class folks could be impacted. Front page of
23 The Guardian: Financial collapse is going to make
24 middle class people homeless.

25 That's not what the report was about.

1 I give that as an example. And for sure I
2 can pick others from the Star Tribune and elsewhere,
3 where pieces of information I see, sometimes that we
4 cannot publicly disclose because it relates to
5 private client information that we can't talk about,
6 where I simply know that this is not the case or
7 that things are not being represented in a way that
8 I consider to be full and accurate.

9 So to answer your question, yeah, I tend
10 to read them. Sometimes, to be honest, I just can't
11 face it. I have a similar relationship with the
12 Comments section.

13 Q (BY MS. STILLMAN) If there's something you
14 believe to be inaccurate in an article published by
15 the Star Tribune, would you contact the Star Tribune
16 to have that fact corrected?

17 MS. PIERCE: Objection. Compound, calls
18 for speculation, incomplete hypothetical.

19 A. It depends. There are occasions when I
20 have spoken to my colleagues in communications and
21 said, you know, This, this and this is wrong. How
22 do we feel about it?

23 In some cases we may reach out to a news
24 outlet to ask for a correction. In other cases, for
25 instance, giving the example I did earlier, where it

1 relates to a description of a specific individual's
2 circumstances, even if we know it's wrong, we
3 actually can't do anything about that because we
4 can't share that information.

5 Q (BY MS. STILLMAN) Do you track the
6 availability of shelter beds in Hennepin County?

7 MS. PIERCE: Objection. Vague.

8 A. We receive PDFs each day from Simpson
9 Housing Services that detail the number of shelter
10 beds that they were aware of the availability of
11 through the nonprofits that run shelter in the
12 morning. There's some information about how quickly
13 they were reserved, if reserved, how many more
14 became available in the evening, how many were
15 reserved.

16 So we receive those two PDFs each day.
17 They go to somebody else in my team. They often are
18 shared with me. I often take a look.

19 I should, as a clarifying point, note that
20 that is only the single adult shelters that
21 participate in the Adult Shelter Connect system that
22 that information pertains to.

23 With regards to family shelter, I do not
24 receive reports. That said, Hennepin County is
25 unique in the state of Minnesota in having a shelter

1 all policy for Hennepin County families with
2 children. Indeed, we are one of only four
3 communities in the United States that has such
4 policy, I believe: Us, D.C., New York and Boston.
5 What that means is that there is no shelter capacity
6 limit for families with children.

7 So to some extent the information is
8 redundant because of that shelter all commitment.

9 There are also youth shelters who
10 historically have not participated in that bed
11 reservation system, manage their own intake. And
12 shelter being kind of organized the way it is, there
13 are, on occasion, individual nonprofits that may
14 stand up their own shelter arrangements with
15 independent funding, often, and they may have their
16 own intake processes. And we do not necessarily
17 have visibility on openings in those programs.

18 Q (BY MS. STILLMAN) You said we receive the
19 PDFs. Who's the "we?"

20 A. They generally come in to the individual
21 on my team who we consider our service area lead for
22 single adult shelter. So they -- so as -- as I
23 mentioned earlier on, we -- we are a funder of
24 shelters. We provide funding to them, which they
25 then raise additional money alongside, to deliver

1 the services they do.

2 We have a service area lead who supports
3 those contracted providers. That is the individual
4 who receives those PDFs.

5 Q. Who is -- what is the name of the service
6 area lead?

7 A. Today that is Lauren Schwerzler. You're
8 going to do it to me again with the spelling here.
9 Do you want it? As best that I can do it?

10 Q. I believe the court reporter probably
11 wants it.

12 A. Okay. S-c-h-w-e-r-zed, by which I mean z,
13 l-e-r, I believe.

14 Same apologies to Lauren as Lisa earlier
15 if I'm wrong.

16 Q. Who was it before Lauren S?

17 A. Before Lauren Schwerzler, it would have
18 been Danielle Werder, W-e-r-d-e-r.

19 Q. How is it determined -- how are the number
20 of shelter beds available for people experiencing
21 homelessness in Hennepin County determined?

22 MS. PIERCE: Objection. Foundation.

23 A. With regards to the information the -- the
24 Simpson Housing Services provides from the Adult
25 Shelter Connect, I mean, essentially we fund Simpson

1 Housing Services to play this coordinating role and
2 manage this intake role on behalf of the specific
3 network of other nonprofits that operate shelters.

4 So it is the Simpson staff coordinating
5 with the staff of the other nonprofits who operate
6 those shelters to understand how many beds are made
7 available each morning, to make reservations to
8 those beds throughout the day, to understand how
9 many more beds become available in each in the
10 evening, to allocate those to people throughout the
11 evening, and to do the same again the next day.

12 Q (BY MS. STILLMAN) New shelters were built
13 in Hennepin County in 2020, correct?

14 A. Yes.

15 Q. How many?

16 A. In 2020, Avivo Village, AICDC Homeward
17 Bound. We opened the women's shelter in an interim
18 site, so your phrase "built" would not apply, but it
19 was a new shelter that opened. Similarly, new
20 shelters opened in a variety of hotel-based sites.
21 Again, they were not built. They were preexisting
22 buildings.

23 Q. Were you involved in the decision to --
24 Did Hennepin County help fund any of these shelters
25 that opened in 2020?

1 A. Yes.

2 Q. Which ones?

3 A. The ones that I just listed: American
4 Indian Community Development Corporation, Homeward
5 Bound, Avivo Village. The Salvation Army operated
6 women's-only shelter. I've been asking them for
7 years to come up with a snappier name. We provided
8 funding toward three of those.

9 We were also the funder of hotel-based
10 shelters that were stood up as part of the pandemic
11 crisis response.

12 Q. And does Housing Stability determine how
13 much funding goes -- went to each of those projects?

14 A. Not unilaterally. So typically -- and
15 there were some things in 2020 that were not
16 entirely typical. But, typically, the way that we
17 allocate funding in Housing Stability is through an
18 open competitive request for proposals. We receive
19 those proposals, and our team then convene an
20 evaluation panel to select the projects and how much
21 funding they will receive from those that are
22 proposed to us.

23 That evaluation panel will include a
24 subject matter expert from my team, but also should
25 include people who had lived the experience of

1 homelessness and other relevant subject matter
2 experts and stakeholders, such as our colleagues in
3 public health.

4 Q. More shelter beds were needed in 2020
5 because the homeless population in Hennepin County
6 increased in 2020, correct?

7 MS. PIERCE: Objection. Foundation.

8 A. I -- I'm not entirely sure. That's
9 certainly not how I would describe it. The addition
10 of shelter beds initially was to create -- and,
11 actually -- and this kind of applies throughout --
12 was not simply to add numbers, even though overall
13 that was a net effect. It was to add different
14 kinds of shelters for specific purposes and to meet
15 the needs of specific individuals.

16 So, in particular, we did not stand up the
17 hotel-based shelters that I mentioned in order to
18 have more shelter beds, even though that was a net
19 effect. We stood them up, and we were amongst the
20 first in the country, I believe the second in the
21 country, to do this, recognizing the -- that people
22 who were age 60 and above were at the highest
23 medical risk from the impending pandemic.

24 And so we took the step to move folks to
25 noncongregate shelter spaces where we could reduce

1 the likelihood of infection, knowing that these
2 specific individuals in congregate spaces, if they
3 were to come into contact with the pandemic, would
4 be at the greatest risk of medical complications.
5 So that was why we were standing that program up.

6 Isolation beds, which were also based out
7 of hotels, but completely separate for reasons that
8 will become apparent, were set up so that people who
9 tested positive for COVID, or back in those early
10 days, we were presuming, because we didn't
11 necessarily have testing, that they could be
12 isolated, where they could rest and recuperate, and
13 we could minimize the risk of transmission to
14 others. So, again, they were additional beds, but
15 for a very specific purpose.

16 Through the rest of the year we took steps
17 to deconcentrate the larger shelters and to hold
18 their census at lower numbers so that they could
19 meet guidelines that were emerging around social
20 distancing. So some of the addition of new shelters
21 was to allow us to maintain that deconcentration
22 while having a portfolio of shelter that would help
23 us stay ahead of demand.

24 Whenever we add shelters, whatever the
25 reason, whether it's to support deconcentration or

1 anything else, we also looked at, what are the --
2 what are the ways that we can develop models that
3 are not currently within our portfolio.

4 So the women's-only shelter was the first
5 ever small-scale women-only shelter in our
6 community. The American Indian Community
7 Development Corporation was the first ever
8 culturally-specific shelter run by a Native agency.
9 Avivo Village was its own very specific model.

10 Many of those shelters kind of were
11 aligned with earlier strategies that we developed
12 around shelter.

13 Q (BY MS. STILLMAN) How do you determine if
14 there's enough shelter beds available for the
15 population of people experiencing homelessness in
16 Hennepin County?

17 MS. PIERCE: Objection. Foundation.

18 A. And I will argue that -- I'll -- I'll
19 certainly answer your question to the -- in the best
20 way I -- I can. But I generally contest the notion
21 that the response to homelessness is shelter beds,
22 for a very specific reason, which is that I see
23 shelter as an emergency response to homelessness,
24 not its solution. Housing is its solution.

25 The role of a shelter should be to provide

1 somebody an alternative to sleeping outside for the
2 duration of a housing crisis, but the focus should
3 be on ending that housing crisis as soon as
4 possible. Being in a shelter does not end your
5 housing crisis.

6 And the reality is, for a lot of people
7 experiencing homelessness, formal shelter isn't
8 necessarily the thing they're going to take up,
9 either. We've been doing work with the Catholic
10 Charities more recently around diversion. Can we
11 help you find safe alternatives to being outside
12 that do not involve coming into formal shelters?
13 And that's an emerging national best practice.

14 So we don't look at it as a calculation of
15 X number of people experiencing homelessness, so we
16 need Y shelter beds. We don't look at it that way,
17 one, because it's not the solution; and, two,
18 because we also know that not everybody experiencing
19 homelessness will opt into a shelter system. And so
20 shelter demand tells us one thing, but it's a little
21 bit different to, you know, an overall sense that
22 people are experiencing homelessness.

23 What we do do, to come back to your
24 question, is, we work with our partners at Simpson
25 and the nonprofits to try and stay ahead of demand

1 as best they are able to do so.

2 Q (BY MS. STILLMAN) Do you use the
3 point-in-time count as part of that analysis?

4 A. The point-in-time count is part of our
5 analysis generally around trends and trajectories on
6 homelessness. It does not inform shelter bed need
7 because it doesn't reflect shelter bed demand.

8 Our best proxy for shelter bed demand is
9 how many people are actually requesting it. And
10 that information, to the best that we have it, comes
11 through the family shelter team and the Adult
12 Shelter Connect.

13 Q. Available shelter -- the number of
14 available shelter beds varies daily, correct?

15 A. Yes.

16 MS. PIERCE: Objection. Vague.

17 A. Yes. There is variation in the
18 availability daily. People leave every day, people
19 come in every day, and those numbers vary, so
20 inherently the availability varies.

21 Q (BY MS. STILLMAN) And on any given day
22 there may be not be sufficient shelter beds for
23 single adult males, correct?

24 MS. PIERCE: Objection. Vague,
25 foundation, calls for speculation, assumes facts not

1 in evidence.

2 A. Every single day shelter beds become newly
3 available for people to reserve them throughout the
4 day. There may come a point during the day at which
5 no further reservations are going to be made based
6 on projected capacity, but even then people will be
7 advised to call back in the evening, because every
8 single evening more shelter beds become available.

9 There may come a point in the evening,
10 though -- I mean, if we look at some of the time
11 frames you're talking about, certainly not always
12 the case, but generally the case, but there may come
13 a time in the evening when no longer can shelter
14 beds be offered then. But people can call back the
15 next day, at which point there are always new
16 shelter beds available.

17 Q (BY MS. STILLMAN) I'm going to go to
18 the -- okay -- a document that I previously -- has
19 previously been marked as Exhibit 174.

20 (Previously Marked Exhibit Number 174
21 introduced to the witness.)

22 (Discussion held off the record.)

23 Q. And this document is titled City and
24 County Response to Homelessness, Presentation to
25 Committee of the Whole, dated April 26th of 2022.

1 Correct?

2 A. Yes.

3 Q. And if you go to the third page, ending in
4 2811, it's entitled Hennepin County Homelessness
5 Response, David Hewitt, Director, Housing Stability.

6 Correct?

7 A. Yes.

8 Q. And you made this presentation, correct?

9 A. I did.

10 MS. PIERCE: Objection.

11 THE WITNESS: Sorry.

12 MS. PIERCE: Vague as to the word "made."

13 A. I recall this presentation very well.
14 Certainly I provided content, and I spoke to that
15 content. I haven't had a chance to flip through the
16 whole thing. But now that I do, I see that there
17 are parts in here that were developed by people from
18 the City. So I did not develop the whole
19 presentation.

20 Q (BY MS. STILLMAN) And I -- Sorry. I
21 should have clarified that. I noticed it being a
22 portion from the County.

23 If you go to page 10, which ends in 2818,
24 in that third bullet point, the presentation says,
25 Support approximately 11,000 "beds" across emergency

1 shelter, rapid rehousing, transitional housing and
2 permanent supportive housing. And beds is in
3 quotation marks.

4 A. Yes.

5 Q. Why is beds in quotation marks?

6 A. These different kinds of components --
7 (Reporter clarification.)

8 THE WITNESS: Sorry. I was reading off
9 the document, but -- All right. Slowing down.

10 A. There are different ways of calculating
11 capacity in these different kinds of programs. As
12 an example, rapid rehousing is not a -- a physical
13 program, a physical structure with rooms in it.
14 Rapid rehousing is time-limited support services and
15 renter subsidies to help people exit homelessness.
16 But those support services and those dollars are
17 used in the private rental market in pursuit of
18 units. This is actually often where the beds in
19 quotation marks come up.

20 You'll also see things like beds/units,
21 because in some of these programs we talk about
22 beds. In others we talk about units. In others we
23 may talk about households being served, where we are
24 providing them with a dollar amount to help them pay
25 for the cost of their housing.

1 So beds is used as kind of a catchall for
2 how many people are served across all of these
3 programs. But when we talk about these programs
4 specifically, we may use terminology other than beds
5 to describe them.

6 Q. (BY MS. STILLMAN) So if you go to the next
7 page, the title is Homeless Response System. And
8 the first blue box is, Risk of Homelessness, with a
9 gray arrow saying, Prevention to Households Avoid
10 Homelessness. And above that is One, Rare.

11 Is it -- what do you mean by "rare"?

12 A. So I will recall my -- from earlier my
13 mantra. Make homelessness rare, brief, and
14 nonrecurring.

15 When we talk about making homelessness
16 rare, what we're doing is exactly -- and this is a
17 HUD diagram, I believe, that I modified for the
18 purpose of presentations that I've been using for a
19 few years. But what we're talking about is that
20 first part of the mantra.

21 Wherever possible for folks at risk of
22 homelessness, we want to prevent homelessness before
23 it occurs. And you see here in this dotted box,
24 Household Avoids Homelessness. That is the work of
25 making homelessness rare.

1 Q. Do you consider encampments to be
2 temporary shelter?

3 MS. PIERCE: Objection. Vague, calls for
4 speculation, calls for expert testimony.

5 A. It's not a term that I would use, no.

6 Q (BY MS. STILLMAN) Okay. So in this
7 diagram, encampments isn't written anywhere,
8 correct?

9 A. Correct.

10 Q. So where would people -- people
11 experiencing in homeless -- people experiencing
12 homelessness who are staying in encampments fall
13 into this diagram?

14 A. Yeah. Thank you.

15 So you see the two boxes above Making
16 Homelessness Brief. You have the Temporary Shelter
17 box, and then beneath it the Street Outreach box.
18 And the sizing of these boxes is deliberate.

19 You mentioned the point-in-time count
20 earlier on as a data point. As per our most recent
21 point-in-time counts, when we look at who's
22 experiencing homelessness in Hennepin County on a
23 given night, about 80 percent of people experiencing
24 homelessness are in shelters. The Temporary Shelter
25 box here is to represent those foremost shelter

1 programs operated by our nonprofit partners.

2 The smaller box below, Street Outreach --
3 and I probably don't have it at a perfect 80/20
4 split, but is intended to denote the 20 percent of
5 people experiencing homelessness who are staying in
6 places not fit for human habitation, or unsheltered
7 homelessness, and the response to them, which
8 historically has been a street outreach service.

9 Within people staying in places not fit
10 for human habitation, approximately it's about
11 20 percent again, as per our last point-in-time
12 count data of staying in encampments. So it'll be
13 one-fifth of that blue box, if you're looking for it
14 in this -- in this diagram.

15 Q. And street outreach has arrows going to
16 rapid rehousing, transitional housing, and permanent
17 supportive housing. Is that because street outreach
18 helps people living in places not suitable for human
19 habitation get into those spaces?

20 MS. PIERCE: Objection. Vague.

21 A. The street outreach providers with whom we
22 have historically coordinated in Hennepin County are
23 able to conduct Coordinated Entry assessments with
24 people experiencing homelessness, which assess their
25 eligibility and priority for rapid rehousing,

1 transitional housing, and permanent supportive
2 housing. So, yes, that is a possibility.

3 As I said earlier, street outreach have
4 other functions particularly around basic needs.

5 Q (BY MS. STILLMAN) What is Coordinated
6 Entry?

7 MS. PIERCE: Objection. Asked and
8 answered.

9 A. Oh, I'd love to expand, though.

10 MS. PIERCE: You can answer the question.

11 A. And I'll have to be careful to go slow on
12 this one.

13 Coordinated Entry, or Coordinated Entry
14 System, originates as a HUD requirement for housing
15 programs, permanent supportive housing, rapid
16 rehousing, transitional housing, that receive HUD
17 continuum of care funds.

18 Within Hennepin County, we as Hennepin
19 County, apply to HUD for continuum of care funds on
20 behalf of our community. And then HUD directly
21 contracts with -- it's currently a portfolio of
22 about 40 projects offering those kind of housing
23 projects.

24 HUD requires that any vacancies in those
25 programs be filled through a transparent, consistent

1 and equitable process. And Coordinated Entry System
2 is their kind of model for how you do that.

3 It has four components. Access. And this
4 is where it cuts across both these blue boxes.
5 Effort should be made to ensure that people
6 experiencing homelessness have access to a
7 Coordinated Entry System.

8 Second component: Assessment. There
9 should be a universal assessment -- there may be
10 some tweaking for specific programs, but a universal
11 assessment so that people are only doing one
12 assessment for all the housing programs.

13 Third: Prioritization. And this is
14 probably the key piece to understand. Inherently,
15 the demand for those housing programs -- and I can
16 take you back to the earlier side about housing
17 scarcity in our community -- exceeds supply. So we
18 believe, and HUD believes, that you need a
19 consistent, transparent, equitable process for
20 allocating resources when demand exceeds supply.

21 Within our community -- and we have a -- a
22 nonconflicting kind of community board that sets
23 these priorities and reviews them. Within our
24 community, we focus on things like veteran status,
25 disability status, length of time homeless and

1 medical fragility as the basis for prioritizing an
2 individual from among all of those experiencing
3 homelessness for an opening in, say, a permanent
4 supportive housing program.

5 So that's the principle of it. But people
6 shouldn't be -- there shouldn't be kind of
7 subjective, arbitrary decisions being made around
8 who gets resources. There should be that
9 consistent, transparent, equitable process.

10 Like I say, it originates as a HUD
11 mandate. It has been adopted by state programs. So
12 state programs require the vacancies be filled
13 through Coordinated Entry. It has been adopted at a
14 local level.

15 So where we as the County are funding
16 programs, we also require, typically, if they are
17 homeless designated -- and I could get more into
18 that -- but if they are homeless designated, that
19 they take their referrals through that process.

20 I can go further, but --

21 Q. No. That's fine.

22 How does it -- how long does it usually
23 take someone to get housing through Coordinated
24 Entry?

25 MS. PIERCE: Objection. Compound, vague,

1 calls for speculation.

2 A. There is no typical time because it's not
3 a wait list. It's a prioritization process. So to
4 take the examples of some of the priorities that I
5 shared earlier, if you are a veteran with a
6 disability, you come into that prioritization port
7 at a very high level, meaning that you could be
8 housed extremely quickly.

9 Q (BY MS. STILLMAN) Could it take somebody
10 weeks to get housing after they do a Coordinated
11 Entry intake?

12 MS. PIERCE: Objection. Vague, calls for
13 speculation, incomplete hypothetical.

14 A. Demand exceeds supply, which is why we
15 have a process for equitably allocating the supply
16 that exists. What that means is that there is no
17 guarantee of housing just because you do a
18 Coordinated Entry assessment. And, again, we can
19 refer back to our more general figures around
20 housing affordability and scarcity here, across the
21 state, across the United States.

22 Q (BY MS. STILLMAN) Was the Coordinated
23 Entry intake system ever suspended during the
24 pandemic?

25 MS. PIERCE: Objection. Foundation.

1 And -- and vague as to -- as to where.

2 A. We did not --

3 Q (BY MS. STILLMAN) Hennepin County.

4 MS. PIERCE: Okay. Then ask that.

5 A. So we did not stop receiving vacancy
6 reports from housing providers. And I say "we" here
7 because it is a unit within my team that manages
8 only the prioritization and referral. That was
9 actually the fourth component that I didn't get to,
10 referral.

11 So we did not stop receiving vacancy
12 reports from housing providers, and we did not stop
13 making referrals to those providers based on the
14 prioritization and the -- the priority list.

15 Q (BY MS. STILLMAN) Why do you --

16 A. For what it's worth, I -- it never entered
17 my mind that we would abandon equity because there
18 was a pandemic happening.

19 Q. Why do you think that this process should
20 be consistent, transparent and equitable but not be
21 closure of encampments?

22 MS. PIERCE: Objection. Argumentative,
23 misstates the record and the evidence, misstates the
24 witness's testimony, misstates the document.

25 A. Yeah, I -- I don't recognize the statement

1 you just made as reflecting anything that I've said.

2 Q (BY MS. STILLMAN) Well, you said it
3 depends for a lot of my questions regarding
4 providing notice.

5 A. Uh-huh.

6 Q. Correct?

7 MS. PIERCE: Objection. Asked and
8 answered.

9 A. Yes. I said that I wasn't going to
10 speculate with a wide variety of factors.
11 Unspecified.

12 Q (BY MS. STILLMAN) Okay. So do you think
13 the process of closing an encampment should be
14 consistent for encampments in Hennepin County?

15 MS. PIERCE: Objection, foundation.
16 Objection, incomplete hypothetical, calls for
17 speculation, calls for witness testimony.

18 A. And if I can throw it out there, I think
19 you're comparing apples with bicycles.

20 Q (BY MS. STILLMAN) Okay. So do you think
21 it should be -- the process for closing encampments
22 should be consistent throughout Hennepin County?

23 MS. PIERCE: Objection. Calls for
24 speculation, incomplete hypothetical, calls for
25 expert testimony, argumentative, and asked and

1 answered.

2 A. I -- I -- I do not feel able to answer
3 that question, because I don't know consistently
4 what, I mean, is the other piece here.

5 Q (BY MS. STILLMAN) What did you mean by
6 consistent when you were discussing the Coordinated
7 Entry System?

8 A. That there should be -- it -- it plays
9 into that part of equity of allocation of resources.
10 So that's what I'm talking about here, is the
11 allocation of publicly-funded resources.

12 The consistency is about, we're not doing
13 veterans one day and former firefighters another day
14 and the next day just whoever we bumped into in the
15 street.

16 Q. Does a staff member of the -- of -- within
17 Housing Stability provide information on shelter
18 availability to anyone within the City of
19 Minneapolis?

20 MS. PIERCE: Objection. Vague, compound,
21 foundation.

22 A. I described the process earlier by which
23 we receive information on what shelter availability
24 is looking like via Simpson Housing Services. If we
25 were asked about that by parties, including, but not

1 limited to, the City of Minneapolis, we would share
2 that information.

3 Q (BY MS. STILLMAN) Have you ever personally
4 been asked for information on shelter availability
5 by someone in the City of Minneapolis?

6 A. Surely, yes.

7 Q. Have you ever been asked personally about
8 shelter availability by somebody who worked for the
9 MPRB?

10 A. I would expect so.

11 Q. To the best of your recollection, was
12 there ever a time in 2020 when there were not any
13 available shelter beds for single men in Hennepin
14 County?

15 MS. PIERCE: Objection. Foundation,
16 vague.

17 A. I believe that there were times at which,
18 during the day, the Adult Shelter Connect was no
19 longer able to offer reservations. They would have
20 directed to call back in the evening. More beds
21 would have become available.

22 I believe there were times during the
23 evening in which no more beds could be issued.
24 People calling after that time would have been
25 advised to call back the next morning, at which

1 point more beds would have been available.

2 Q (BY MS. STILLMAN) I'm going to mark
3 document Bates stamped HC00028407 as Exhibit 207.

4 (Deposition Exhibit Number 207 marked for
5 identification.)

6 Q. And this is an email from you to Stephanie
7 Abel, Kaade Wallace and Kevin Dockry, dated
8 August 26th, 2020, correct?

9 A. It's pronounced Kaade, but, otherwise,
10 yes, that's what it appears to be.

11 Q. Who is Kaade Wallace?

12 A. Kaade Wallace was on the intergovernmental
13 relations team at Hennepin County.

14 Q. And the subject is, Re: [External]
15 Forward Logan Park Encampments.

16 Correct?

17 A. Yeah.

18 MS. PIERCE: Objection. That's not the --
19 that was not the title of the email. You missed the
20 word "updates."

21 Q (BY MS. STILLMAN) Updates. Sorry.

22 A. With that amendment, yes.

23 Q. In the third paragraph you write, For
24 single adults, capacity is more constrained.

25 And then at the last sentence you write,

1 We have some beds that go unused every night. For
2 the first time in almost two months, we used every
3 men's bed last night but still had unused women's
4 beds.

5 Correct?

6 A. Yes.

7 Q. If every bed was used the night of
8 August 25th, does that mean there were no single men
9 experiencing unsheltered homelessness sleeping
10 outside on the night of August 25th, 2020?

11 MS. PIERCE: Objection. Foundation,
12 argumentative, vague.

13 A. It does not mean that, nor when there were
14 beds that went unused does that mean that there was
15 nobody sleeping outside.

16 Q (BY MS. STILLMAN) So a single man could
17 have called Adult Shelter Connect the night of
18 August 25th, 2020, and they would have been turned
19 away, correct?

20 MS. PIERCE: Objection. Lack of
21 foundation, calls for speculation, incomplete
22 hypothetical.

23 A. They would have been advised to call back
24 the next morning, at which point there would have
25 been more beds available. And, of course, if they

1 had called on any night, any day for two months
2 running up to that, they would have been offered a
3 bed.

4 Q (BY MS. STILLMAN) I'm going to go to the
5 document that was previously marked as Exhibit 196.

6 (Discussion held off the record.)

7 Q. I'm not going to that document. Never
8 mind.

9 MS. PIERCE: So we're not doing 196?

10 MS. STILLMAN: No. It does not appear to
11 be in my folder. Yeah. I can't give Mr. Hewitt a
12 copy.

13 Okay. But in the meantime, can you hand
14 me 200?

15 Let's go to Exhibit 200, previously marked
16 as Exhibit 200.

17 (Previously Marked Exhibit Number 200
18 introduced to the witness.)

19 MS. PIERCE: Which is this?

20 MS. STILLMAN: 200.

21 Q. (BY MS. STILLMAN) And this is an email
22 thread from Kate -- with Katie Topinka, Don Ryan,
23 and Amber Turnquest, dated November 10th, 2020,
24 correct?

25 A. Yep. That appears to be correct.

1 Q. So in the first email, under Original
2 Message, Amber Turnquest writes, You covered it,
3 Don. The concern was primarily about where people
4 would go since the shelters were full and the new
5 beds aren't online yet.

6 Did Don Ryan ever talk to you, in November
7 of 2020, about outreach workers being concerned that
8 there weren't enough shelter beds available?

9 MS. PIERCE: Objection. Vague, misstates
10 witness's testimony. And misconstrues the document.

11 A. Yeah. I -- I do not recall conversations
12 of the kind you are describing, nor do I exactly see
13 how they're linked to this document.

14 Q (BY MS. STILLMAN) Did Amber Turnquest talk
15 to you about outreach workers being concerned about
16 shelters being full in November of 2020?

17 MS. PIERCE: Objection. Vague, misstates
18 the record and this document.

19 A. I mean, I see that I am not on this
20 thread. I have a vague recollection of Amber. I do
21 not recall the conversations that I would have had
22 with her.

23 Q (BY MS. STILLMAN) If there was a concern
24 about shelters being full, would Don Ryan -- would
25 that be a conversation that you and Don Ryan

1 normally would have?

2 MS. PIERCE: Objection. Vague, incomplete
3 hypothetical, calls for speculation.

4 A. And, I mean, I can say more on this. I
5 personally dislike the language. I think it's
6 unhelpful and potentially counterproductive when
7 people talk about shelters being full, because it is
8 always a -- a temporary condition that they are
9 unable to issue new space to new people. That, as
10 I've already said, changes a couple of times every
11 single day. New beds become available every single
12 morning. New beds become available every single
13 evening.

14 Theoretically, I guess there are
15 circumstances under which that wouldn't happen, but
16 it has happened every single day since the Adult
17 Shelter Connects started doing this, to the best of
18 my recollection, which was October 2016. So we say,
19 with a high degree of certainty, that there will
20 always be new beds available in the morning and
21 again in the evening.

22 I find the language of the shelters being
23 full to generally be unhelpful, because if it
24 prevents one single person who would have liked to
25 get in shelter from calling in to get that shelter

1 and leads them to stay outside, I think that's
2 unconscionable, so -- but, anyway, I'm kind of
3 editorializing around the sides of your question,
4 which I think I've already answered.

5 Q (BY MS. STILLMAN) I'm going to mark a
6 document Bates stamped HC00040304 as Exhibit 208.

7 (Deposition Exhibit Number 208 marked for
8 identification.)

9 Q. And I'll state that the first page is the
10 metadata associated with this document.

11 MS. PIERCE: Can we go off the record?

12 MS. STILLMAN: Sure.

13 THE VIDEOGRAPHER: We are going off the
14 record at 12:52 p.m.

15 (Discussion held off the record.)

16 THE VIDEOGRAPHER: We're going back on the
17 record at 12:52 p.m.

18 Q (BY MS. STILLMAN) Who is Maria Baca?

19 A. Maria Baca works communications for
20 Hennepin County Human Services.

21 Q. If you go to the actual document, right in
22 the middle there, she writes, We don't have capacity
23 to always shelter everyone, but Hennepin County and
24 our partners are able to offer 1,200 shelter spaces,
25 more than any other time in our history. More are

1 coming on board this year.

2 Do you see that?

3 A. I do.

4 Q. And do you agree that Hennepin County does
5 not always have capacity to shelter everyone?

6 MS. PIERCE: Objection. Misstates the
7 document, vague.

8 A. And I would add that it talks about
9 Hennepin County and our partners. As we've already
10 discussed, the majority of our shelter system,
11 normally all of it, is operated by our nonprofit
12 partners who are independent from us.

13 But, yes, I mean, this is simply
14 reflecting what I have already shared, that there
15 can be a time in the day when no further
16 reservations can be issued and more beds will open
17 up that evening. And there can be a time in the
18 evening when no more beds can be offered and more
19 beds will open up the next morning. And this is
20 what Maria is referring to here, in my opinion.

21 Q (BY MS. STILLMAN) And if you just go to
22 that first page with the metadata, the family date
23 says 12/15/2020.

24 Do you see that?

25 A. I see it.

1 Q. So this was three days before the
2 encampment on the Midtown Greenway was closed,
3 correct?

4 MS. PIERCE: Objection. Foundation.

5 A. That sounds about right for the timeline
6 that I recall.

7 Q (BY MS. STILLMAN) Is there a --

8 Even if there is an open bed at a homeless
9 shelter in Hennepin County, there are reasons a
10 person might not be able to access that shelter,
11 correct?

12 MS. PIERCE: Objection. Vague, compound,
13 incomplete hypothetical, calls for speculation.

14 A. Can you share what kind of reasons you're
15 thinking about?

16 Q (BY MS. STILLMAN) How do you get in touch
17 with Adult Shelter Connect?

18 MS. PIERCE: Objection. Vague.

19 A. By phone or in person at St. Olaf Church.

20 Q (BY MS. STILLMAN) So you would neither
21 have to -- you would either have to have access to
22 transportation or a phone to get a shelter bed in
23 Hennepin County, correct?

24 MS. PIERCE: Objection. Misstates the
25 record, misstates witness's testimony.

1 A. Or somebody assisting you would have to
2 provide those things.

3 Q (BY MS. STILLMAN) Many people experiencing
4 homelessness don't have phones, correct?

5 MS. PIERCE: Objection. Foundation,
6 compound, calls for speculation.

7 A. It is known to us that there are times
8 when individuals do not have phones. Many do. But
9 there are occasions, certainly.

10 Q (BY MS. STILLMAN) There are occasions
11 where people don't have phones, people experiencing
12 homelessness don't have phones?

13 MS. PIERCE: Same objections.

14 A. (No answer.)

15 Q (BY MS. STILLMAN) Are there occasions
16 where someone experiencing homelessness might not
17 have a phone that's charged?

18 MS. PIERCE: Objection. Vague, compound,
19 foundation, calls for speculation.

20 A. My phone ran out of battery last night,
21 which actually I was worried about, because I would
22 have missed my alarm. So I caught it just in time.
23 So, of course.

24 Q (BY MS. STILLMAN) And is it more likely
25 that somebody experiencing homelessness would -- and

1 is living in a place not fit for human habitation to
2 not have a charged phone?

3 MS. PIERCE: Vague, compound, incomplete
4 hypothetical, calls for speculation.

5 A. You are asking me to speculate.

6 An individual who does not have access to
7 an outlet is less likely to use an outlet. I can
8 imagine a circumstance in which that could be true
9 for an individual, but I can't say that
10 categorically for everybody in a -- in a very broad
11 category that you're offering.

12 Q (BY MS. STILLMAN) So for those
13 individuals, they might not be able to get in touch
14 with Adult Shelter Connect to reserve a bed; is that
15 correct?

16 MS. PIERCE: Objection. Vague, compound,
17 incomplete hypothetical, calls for speculation,
18 misstates the witness's previous testimony.

19 A. And to an earlier point, it's not the only
20 way to contact the Adult Shelter Connect. For
21 instance, anybody else with access to a phone -- an
22 outreach worker, a community volunteer, a friend, a
23 peer -- could also assist with that function.

24 Indeed, when it comes to outreach
25 services -- you asked earlier kind of how would we

1 define outreach services, and one of the things that
2 I -- I think of generally is that we put
3 professionals into the field to help people navigate
4 systems, recognizing that there can be challenges in
5 doing so.

6 Q (BY MS. STILLMAN) Do outreach workers go
7 to every encampment in Hennepin County every day?

8 MS. PIERCE: Objection. Vague as to which
9 outreach workers, compound.

10 A. Outreach providers, similar to shelters,
11 independent nonprofit agencies. So we don't set
12 their schedule or direct them. We do look to them
13 to be the experts on where they need to be and
14 providing resources to folks in those settings.

15 Q (BY MS. STILLMAN) Some of the shelters in
16 Hennepin County have rules for entry, correct?

17 MS. PIERCE: Objection. Foundation,
18 compound.

19 A. We are talking about independent,
20 nonprofit agencies. Programs tend to have some
21 rules attached to them. Can you be more specific?

22 Q (BY MS. STILLMAN) Some shelters don't
23 allow people to bring pets, correct?

24 Some shelters in Hennepin County don't
25 allow people to bring pets, correct?

1 MS. PIERCE: Objection. Vague, compound,
2 foundation.

3 A. Yes. I understand that to be the case,
4 that there are shelters that do not accommodate pets
5 within Hennepin County.

6 Q. And some shelters in Hennepin County don't
7 allow people to bring their partners, correct?

8 MS. PIERCE: Objection. Vague, compound,
9 foundation.

10 A. There are shelters that do not accommodate
11 couples as partners together. And there is a
12 specific shelter that was set up for that specific
13 purpose, with funding from Hennepin County through
14 what was then St. Stephen's Human Services, as we
15 worked with St. Stephen's Human Services to bring
16 about the creation of a partner-specific shelter in
17 2019.

18 Q (BY MS. STILLMAN) And there are some
19 shelters in Hennepin County that don't allow
20 individuals to use illegal substances on the
21 property, correct?

22 MS. PIERCE: Objection. Vague, compound,
23 foundation.

24 A. Neither Hennepin County nor our nonprofit
25 partners set the law around controlled substances.

1 Q (BY MS. STILLMAN) So I understand that you
2 don't -- Hennepin County and your partners don't set
3 the law regarding controlled substances, but -- so
4 are there some shelters in Hennepin County who don't
5 allow people to use controlled substances on the
6 shelter's property?

7 MS. PIERCE: Objection. Vague, compound,
8 foundation.

9 A. I am not going to somewhat speculate and
10 answer on behalf of a third party as to how they
11 deal with criminal behavior on their premises.

12 Q (BY MS. STILLMAN) Do you think, if you are
13 directing people to -- who are experiencing
14 homelessness to Adult Shelter Connect to reserve a
15 bed, you should be aware of the rules and
16 restrictions regarding those shelters?

17 MS. PIERCE: Objection. Argumentative,
18 vague, incomplete hypothetical, calls for
19 speculation.

20 A. So the funding that we provide to Simpson
21 Housing Services to operate that Adult Shelter
22 Connect service, it is our expectation that they are
23 able to help people navigate to the shelter that is
24 the best fit for their needs and that they have
25 those understandings and can share that information

1 with people at intake.

2 Q (BY MS. STILLMAN) Do some shelters in
3 Hennepin County require people to have a photo ID?

4 MS. PIERCE: Objection. Vague, compound,
5 foundation.

6 A. With regards to the single adult shelters
7 that we're talking about through the Adult Shelter
8 Connect, to my knowledge, none of them require a
9 photo ID.

10 Q (BY MS. STILLMAN) Do some of the shelters
11 in Hennepin County require that you arrive at a --
12 at the shelter at a certain time in order to claim
13 your bed?

14 MS. PIERCE: Objection. Vague, compound,
15 foundation.

16 A. The shelters that are accessed through the
17 Adult Shelter Connect typically do set a time by
18 which you are expected to claim your bed. The
19 reason for doing this is simple. Every single day a
20 lot of people don't show up to claim their bed. We
21 want to make sure that those beds are made available
22 to other people that might need them.

23 Q (BY MS. STILLMAN) So just because a bed
24 became available within the Hennepin County shelter
25 system doesn't mean that a person could necessarily

1 access that bed, correct?

2 MS. PIERCE: Objection. Vague, compound,
3 foundation, incomplete hypothetical, calls for
4 speculation.

5 A. Yeah. Which -- which other question does
6 this tie back to?

7 Q (BY MS. STILLMAN) So you said that beds
8 open every morning, correct?

9 A. Correct.

10 Q. So that bed could be at a shelter in
11 Hennepin County that somebody couldn't access,
12 correct?

13 MS. PIERCE: Objection. Vague, compound,
14 foundation, incomplete hypothetical, calls for
15 speculation.

16 A. You've set out a number of different
17 pieces that you asked me to speak to around phones
18 and chargers and electricity and pets. Which piece
19 are we speaking about here?

20 Q (BY MS. STILLMAN) A pet. So I'm using
21 Salvation Army as an example. I'm not saying this
22 is their rule.

23 A. Sure.

24 Q. Just as a -- So let's say a bed opened at
25 Salvation Army in the morning. Somebody called

1 Adult Shelter Connect, who said they had a bed
2 available at Salvation Army.

3 If the person had a pet that they weren't
4 able to bring with them to Salvation Army, would you
5 consider that bed to be available for that person?

6 MS. PIERCE: Objection. Vague, calls for
7 speculation, incomplete hypothetical.

8 A. I would consider that bed available to
9 people seeking shelter. Obviously, that
10 individual -- there are specific shelters that are
11 able to accommodate pets, others that are not. If
12 the only shelter bed available in that moment cannot
13 accommodate that pet, then that is going to be a
14 barrier for that individual.

15 MS. PIERCE: Counsel, how much longer on
16 this line of questioning? It's after 1.

17 MS. STILLMAN: We can take a break.

18 MS. PIERCE: Okay.

19 MS. STILLMAN: Or we can break for lunch,
20 I mean.

21 THE VIDEOGRAPHER: We are going off the
22 record at 1:05 p.m.

23 (Whereupon, a lunch recess was taken.)

24 THE VIDEOGRAPHER: This is Media Number 4
25 in the deposition of David Hewitt. Today is

1 February 16th, 2023. We're going back on the record
2 at 1:52 p.m.

3 Q. (BY MS. STILLMAN) So, Mr. Hewitt, I have a
4 few --

5 THE VIDEOGRAPHER: Rebecca, your mic.

6 Q (BY MS. STILLMAN) I have a few follow-up
7 questions on the Coordinated Entry System we were
8 talking about earlier.

9 So during the pandemic, did anything about
10 the Coordinated Entry System change?

11 MS. PIERCE: Objection. Vague.

12 A. The most significant change I can recall
13 in the Coordinated Entry System, coincidentally,
14 coincides with the beginning of the pandemic, which
15 is that I talked about it being a universal
16 assessment used to identify eligibility and
17 prioritization.

18 Hennepin County, as the rest of the state
19 of Minnesota and other communities around the
20 country, have been using a tool referred to as the
21 VI-SPDAT. And this is one where I would go really
22 quickly. I think it stands for something like
23 Vulnerability Index-Service Prioritization
24 Diagnostic Assessment Tool. Also, none of that --
25 it's not important. VI-SPDAT is what it's known as.

1 There was research that came out at the
2 end of 2019 that looked at a large data set,
3 predominantly on the West Coast, suggesting that the
4 VI-SPDAT did not produce equitable outcomes. So the
5 VI-SPDAT looked to criteria that was basically risk
6 factors resulting from homelessness. But what they
7 found was that the risk factors that it focused on,
8 which included things like staying in an encampment,
9 tended to weight the scores more towards white
10 people experiencing homelessness as against people
11 of color experiencing homelessness, where the root
12 of homelessness was more likely to be economic, you
13 know, African-American families in shelter, that
14 kind of thing.

15 So what they found was that white folks
16 were more likely to get prioritized for the most
17 intensive, long-lasting forms of homeless-designated
18 housing programs as against African-American
19 households in particular.

20 Once that data was out in the world, we
21 were very clear -- and we were the first community
22 in the state of Minnesota to take this step -- we
23 are not going to use this tool for prioritizing the
24 Coordinated Entry System. It so happened that that
25 was March of 2020. And I say this with a slight

1 smile on my face, because going into 2020, I thought
2 this was going to be the most significant thing that
3 we dealt with in the homeless response system. Of
4 course, that was not how 2020 played out.

5 So that change was implemented around that
6 time.

7 I cannot think of another significant
8 change during that period, particularly. We made
9 some process tweaks early on to make sure that
10 referrals were as effective as possible. I was
11 asking my team to do a little bit more kind of
12 direct phone calls to providers, just knowing how
13 much everybody was juggling in the early days of the
14 pandemic. And being a little bit more intentional
15 around communication was something that we stressed.

16 I think those are very minor tweaks and
17 kind of weren't significant shifts from existing
18 practice.

19 Q (BY MS. STILLMAN) So you were talking
20 about a -- a referral in this process. What is a
21 referral?

22 A. So housing provider, let's all choose one
23 for the sake of whatever. Let's say it's Catholic
24 Charities' permanent supportive housing project.
25 When they are able to take on additional people,

1 they have a free unit, or to the point that some of
2 these programs don't come with physical units, they
3 have the staff capacity and the available dollars to
4 provide rental assistance, they report that vacancy
5 to the team in my unit.

6 What the team in my unit then does is,
7 they have the priority list, populated by data from
8 all of the shelters and outreach teams and some
9 other folks in our community that are interacting
10 with people experiencing homelessness --

11 (Reporter clarification.)

12 A. That are interacting with people
13 experiencing homelessness who have been trained and
14 appointed as a -- Coordinated Entry assessors. So
15 that data is getting populated all of the time.

16 When the vacancy gets reported, our team
17 go to the priority list that pulls out of that data.
18 This is hosted within the Homeless Management
19 Information System. They will then filter that list
20 by eligibility criteria. Let's say this Catholic
21 Charities' program has a specific requirement around
22 a person meeting the standard for chronic
23 homelessness. Perhaps they're getting HUD funding
24 that requires them to meet the standard for chronic
25 homelessness, in which case they would filter the

1 list, because we don't want to refer someone to a
2 program that can't be served there.

3 Then the list is in priority order,
4 starting with, as I say, things like veteran,
5 disability status, length of time homeless, and they
6 would go to the first person off the list that meets
7 the eligibility criteria. There are some client
8 choice questions in there as well and a notes
9 section.

10 Let's say, for example, this is a physical
11 unit in North Minneapolis, for the sake of argument.
12 A client may say, I do not wish to live in North
13 Minneapolis, in which case that's not going to be a
14 great fit for them, and you go to the next person.
15 You're using that uniform prioritization, overlaying
16 it with eligibility and client choice information,
17 to identify the highest-priority person for that
18 unit or opening.

19 And then the referral is essentially --
20 and it's all generated within the Homeless
21 Management Information System -- when you go back to
22 the housing provider and say, Here's your person,
23 this is the person for your unit, often if that
24 person is engaged with street outreach or at a
25 particular shelter, we're also communicating with

1 them, we're asking these parties to communicate
2 together, so that that person gets into that program
3 as quickly as possible.

4 Q. Do people only get referred to programs,
5 or can they get referred to an individual landlord?

6 MS. PIERCE: Objection. Compound, calls
7 for speculation.

8 A. So participating in the Coordinated Entry
9 System, you have about 50 different independent
10 agencies that run housing programs, running about --
11 my last estimate -- about 150 different programs.
12 There are what we call site-based programs and
13 scattered site programs.

14 Site-based programs, there's a physical
15 building attached to it. A nearby example to here
16 would be Park7, which is run by Agate Housing and
17 Service. So in that case it's a physical property.
18 It has property management, a landlord, et cetera,
19 attached to it.

20 Scattered site programs -- and the
21 majority of programs in our community are scattered
22 site programs -- either time-limited, rapid
23 rehousing, or non-time-limited scattered site
24 permanent supportive housing, they provide a rental
25 subsidy and support services. But the search is for

1 a unit in the private market, and so they don't
2 necessarily come with a specific unit attached.
3 Part of the program is to help you find that unit.

4 Q (BY MS. STILLMAN) Okay. And I just want
5 to make sure I'm understanding the entire process
6 correctly.

7 So an outreach worker can do a Coordinated
8 Entry assessment, correct?

9 A. Correct.

10 Q. And then where would they send that
11 assessment?

12 A. Yeah. Thank you. So they don't send the
13 assessment anywhere. The assessment is entered into
14 the Homeless Management Information System. So
15 depending on the specific worker, you have to be
16 trained to do this. You have to have a license to
17 use the Homeless Management Information System. I
18 mean, that's a basic requirement of most contracted
19 outreach providers. They would enter it directly
20 into the Homeless Management Information System, and
21 that is a shared database, so then we can see that
22 information in our priority list. The housing
23 provider can see the information in there as well.

24 Q. What is the average time it takes to get a
25 housing referral after getting an assessment?

1 MS. PIERCE: Objection. Vague, compound,
2 calls for speculation, incomplete hypothetical.

3 A. And I think I've spoke to this earlier on
4 as well. There are a range of circumstances, and
5 because we are talking about a program area where
6 demand exceeds supply, there are people who will
7 never receive a referral. So that, obviously,
8 impacts any kind of calculation of average.

9 It depends on the individual's
10 eligibility, their client choice, and their
11 prioritization. And those things -- and then it
12 depends on the openings in the programs and who they
13 are best fit for.

14 So there is potential for huge variation.
15 It can happen very quickly. It can happen after
16 more time.

17 Q (BY MS. STILLMAN) Does Housing Stability
18 track that information?

19 MS. PIERCE: Objection. Vague.

20 A. This process is managed in the Homeless
21 Management Information System. So we pull data from
22 that. We do some Power BI work. I have a person on
23 the Coordinated Entry team that looks at pieces of
24 data to look at where there's potential for
25 efficiency gains to -- to speed up pieces of the

1 process, so -- but I don't have a number off the top
2 of my head of, like, average days. And like I say,
3 there are some difficulties in -- in providing that.

4 Q (BY MS. STILLMAN) Are there people
5 experiencing homelessness who get housing through
6 systems other than the Coordinated Entry System?

7 MS. PIERCE: Objection. Vague, compound,
8 incomplete hypothetical, calls for speculation.

9 A. The Coordinated Entry System only applies
10 to a set of homeless-designated housing programs
11 that have federal, state and local funding. It does
12 not control the housing market. It does not control
13 the public housing authorities. It does not control
14 a whole bunch of other resources that people might
15 use to seek housing.

16 Q (BY MS. STILLMAN) Is the Minneapolis
17 Public Housing Authority a provider to whom somebody
18 who goes through the Coordinated Entry System could
19 get a referral?

20 MS. PIERCE: Objection. Vague, calls for
21 speculation, incomplete hypothetical, foundation.

22 A. And the answer is, not really in the sense
23 that you mean. We don't have -- the Coordinated
24 Entry System is for homeless-designated housing
25 programs. That is different from public housing.

1 That is different from Section 8 vouchers. Those
2 are not homeless designated.

3 The only reason I even give that caveat at
4 the beginning is, I can think of Minnehaha
5 Townhomes, which is 16 townhome units for families,
6 but Minneapolis public housing was the developer,
7 and there are permanent supports in those properties
8 funded by Hennepin County, and those properties do
9 take families through the Coordinated Entry System
10 into them because they have that support component
11 funded through Hennepin County to be homeless
12 designated. But that's an usual arrangement. The
13 vast majority of Minneapolis public housing is
14 operated through Minneapolis public housing
15 processes.

16 Q (BY MS. STILLMAN) Okay. So other than
17 that one program, if somebody wanted to get housing
18 with the Minneapolis Public Housing Authority, they
19 would have to do an entirely separate application
20 with Minnesota Public Housing Authority?

21 MS. PIERCE: Objection. Foundation,
22 vague, compound, assumes -- calls for speculation,
23 incomplete hypothetical.

24 A. Just as with many, many, many other
25 landlords and housing developers, yes, public

1 housing operates its own intakes.

2 Q (BY MS. STILLMAN) Have you heard of the
3 organization Start Today Hennepin?

4 A. Yes.

5 Q. What is Start Today Hennepin?

6 A. It's one of the service providers that we
7 interact with. They operate housing programs,
8 including permanent supportive housing programs.

9 Q. How is it -- how is Start Today -- how is
10 Start Today Hennepin funded?

11 MS. PIERCE: Objection. Foundation.

12 A. I do not have insight into all of the
13 financials of what is a -- an independent agency.
14 There are pieces of funding that Hennepin County has
15 a role in that pertain to Start Today. In
16 particular, we have a housing support agreement with
17 Start Today that allows them to access state funding
18 to provide permanent supportive housing.

19 Q (BY MS. STILLMAN) Is that county funding
20 to Start Today Hennepin restricted in how it can be
21 used?

22 MS. PIERCE: Objection. Vague,
23 foundation.

24 A. The agreement that I'm thinking of is for
25 serving people coming out of long-term homelessness

1 specifically, which means as per some -- well,
2 there's both a state piece to this and a local piece
3 to this. But the long and the short of it is that
4 they are required to take their referrals through
5 that consistent, transparent, equitable, Coordinated
6 Entry process for that program.

7 Q (BY MS. STILLMAN) Was that how the
8 County's -- was the County -- County's funding to
9 Start Today Hennepin restricted in that same way in
10 2020?

11 MS. PIERCE: Objection -- same objections.

12 A. For that program, that same requirement
13 would have applied in 2020.

14 Q (BY MS. STILLMAN) Can Start Today Hennepin
15 place individuals experiencing homelessness in
16 housing outside of the Coordinated Entry System?

17 MS. PIERCE: Objection. Foundation,
18 vague.

19 A. Start Today are an independent agency. If
20 they obtain other funding or run other programs that
21 are separate from what I am describing, the rules
22 and -- and constraints and requirements for those
23 may differ. But for a long-term homeless housing
24 support-funded program, they would be required to
25 take the referrals through the Coordinated Entry

1 System to ensure that those resources are being used
2 consistently and transparently and equitably.

3 Q. Do you track how many individuals Start
4 Today Hennepin gets housing for with your funding?

5 MS. PIERCE: Objection as to you, your and
6 track. Vague.

7 Pardon me.

8 A. Within my area we have a team, the housing
9 support quality assurance team, a little bit like I
10 was describing earlier with service area leads, who
11 are responsible for monitoring compliance of the
12 housing support portfolio. So they have tracking
13 mechanisms, monitoring mechanisms.

14 Q (BY MS. STILLMAN) Where is that
15 information stored?

16 MS. PIERCE: Objection. Foundation.

17 A. I'm not entirely clear what exact
18 information you are referring to.

19 I actually just had a presentation from
20 that housing support team this week in which they
21 showed me a dashboard where they showed how many
22 clients are being served in the various programs,
23 which is a roll-up from not just Start Today but all
24 of the other providers that are part of that program
25 as well.

1 Q (BY MS. STILLMAN) Where would that program
2 be stored?

3 MS. PIERCE: Objection. Vague.

4 A. What I was viewing was a Power BI report.
5 I'm not entirely sure what we're talking about the
6 storage of.

7 Q (BY MS. STILLMAN) Where would that
8 information be kept?

9 A. Which information? Sorry.

10 Q. That -- that program you just mentioned.

11 MS. PIERCE: Object.

12 Q. (BY MS. STILLMAN) Presentation you just
13 mentioned.

14 A. Online. It's a Power BI dashboard.

15 Q. Okay. So it's -- is it
16 publicly-accessible information?

17 A. That is not a publicly-visible Power BI
18 dashboard. That's an internal dashboard.

19 Q. And so you would have to have a login to
20 access that information, the dashboard information?

21 A. If you wanted to see how many people were
22 being supported in those housing support programs on
23 that dashboard, yes, you would need access to them.

24 Q. Does everyone who does an entry or an
25 assessment with Coordinated Entry get put on the

1 wait list?

2 MS. PIERCE: Objection. Vague, asked and
3 answered.

4 A. And it's not a wait list. It's a priority
5 list. And that's an important distinction for us,
6 because it is not a question of -- nor do we want
7 people to assume that you wait on this for a length
8 of time and you will rise to the top, because we use
9 those other criteria around veteran status,
10 disability status, length of time homeless, medical
11 fragility. So we refer to it as a priority list.

12 With regards to people getting placed on
13 it, that is a function of shelter workers, the
14 outreach workers and others doing that direct
15 service. People get placed on the list all the
16 time. People also disappear, find their own
17 housing, leave the state and get taken off the list
18 on that basis as well. So the list is dynamic.

19 Q (BY MS. STILLMAN) How many people are on
20 the list right now?

21 MS. PIERCE: Objection. Misstates the
22 witness's previous testimony about the existence on
23 a list.

24 A. I believe the single adult priority
25 list -- I actually haven't looked at its length in

1 some time. Historically it has been anywhere
2 between 600 and 1,000 people on the list, to the
3 best of my recollection.

4 Q. (BY MS. STILLMAN) Did Hennepin County's
5 hotel program have requirements for admission in
6 2020?

7 MS. PIERCE: Objection. Vague, compound.

8 A. Hennepin County established two, in some
9 senses three, programs that made use of hotels as
10 sites for shelter. I believe that's what you're
11 referring to.

12 To start with, there are two different
13 programs. One is isolation for people who are
14 confirmed or presumptive COVID cases. The
15 eligibility criteria for those programs was the
16 person be experiencing homelessness, unsheltered or
17 sheltered, and either have confirmed or presumptive
18 COVID. And their stay would be for the duration of
19 the -- the period during which they were a
20 transmission risk.

21 So that's one set of programs.

22 The second set of programs we sometimes
23 refer to as protective shelter. And these programs
24 were focused on really bringing down the level of
25 risk for those people who were most likely to suffer

1 severe medical consequences from the pandemic.

2 So the initial focus, at the direction of
3 our public health colleagues, was to concentrate on
4 people aged 60 and above, based on what we knew
5 about the pandemic and who was at greatest risk. We
6 added to that criteria people who had other
7 underlying medical conditions that the CDC had
8 identified as putting them at risk.

9 As those programs ramped up, I would say
10 there was also a secondary goal here, which was to
11 reduce the number of people in, in particular, the
12 larger shelters, to support social distancing in
13 those congregate sites.

14 Q (BY MS. STILLMAN) For that second set of
15 hotels that you were just talking about, was there a
16 time limit on how long somebody could stay there?

17 MS. PIERCE: Objection. Vague, compound.

18 A. Not as such. As with, I believe, all
19 shelters, the goal was not to have people living in
20 homelessness in a shelter because it happens to be
21 in a hotel. I both don't see that as desirable for
22 the individual, on top of which there were serious
23 concerns as to whether it was financially
24 sustainable or otherwise sustainable, knowing that
25 at some point hotels may choose to shift their

1 business model away from where we were. And we
2 didn't want to be in a position ever where people
3 would be returning to homelessness and returning to
4 the streets.

5 So we set a -- I think a very -- it's
6 probably some of the work I'm most proud of. We set
7 a very clear target and goal that we were going to
8 wind down the use of those sites beginning from when
9 vaccination became widely available for COVID, and
10 that became our best defense against medical
11 complication. We were going to wind down these --
12 these sites by helping access permanent housing,
13 which we did over the course of a 12-month period.

14 Q (BY MS. STILLMAN) Did everyone who was
15 staying in that second group of hotels access
16 permanent housing?

17 MS. PIERCE: Objection. Vague, compound,
18 foundation.

19 A. Our count is that 464 people from those
20 hotel sites accessed permanent accommodation, as we
21 wound down from the largest portfolio we had, which
22 was 540 rooms.

23 So there are people who left, we know not
24 where, and there were some circumstances in which
25 people who were not engaging with the program, were

1 not working towards housing or otherwise working
2 within the program, may have been unable to continue
3 in the program, in which case our, kind of,
4 fall-back response was to set up a referral to a
5 shelter if that's what they wished.

6 Q (BY MS. STILLMAN) How did you determine
7 who was medically qualified to get one of those
8 hotel rooms?

9 A. Yeah.

10 MS. PIERCE: Objection. Vague as to you
11 and medically qualified.

12 A. And I didn't, because that's -- that
13 wouldn't be my role.

14 We looked to the leadership of our Health
15 Care for the Homeless team. They set the initial
16 guideline that we should focus on people aged over
17 60. That's a pretty easy one; we looked at people's
18 birth dates. But for the other categories, we then
19 asked Health Care for the Homeless to take the list
20 on -- to take the lead on prioritizing for any
21 available openings.

22 Q (BY MS. STILLMAN) Was the individual --
23 the information on those individuals gathered
24 through the HMIS system?

25 A. We used the HMIS system, because this was

1 a homeless shelter. So information on these
2 individuals was within them.

3 You seem to be asking about medical
4 information there, potentially. We do not use HMIS
5 for tracking medical information. Our Health Care
6 for the Homeless team, as a public health team, have
7 other -- other mechanisms they use for -- for
8 storing and collecting health data. And I'm not
9 very familiar with those systems.

10 Q. So would someone from Hennepin County
11 Health Care for the Homeless do a referral for
12 someone to get into the hotel space for people who
13 were medically vulnerable?

14 MS. PIERCE: Objection. Vague, compound.
15 Do you mean during COVID?

16 MS. STILLMAN: During COVID.

17 A. They were certainly the ones that we were
18 looking to to identify the people who were moving
19 in. I -- I don't recall the exact referral
20 mechanisms that we used. You had situations where
21 hotels were opening up anew, and there were mass
22 movements in. And then you had situations, prior to
23 vaccination becoming available, where rooms might
24 become available. Health Care for the Homeless were
25 responsible for prioritizing in those cases. But I

1 do not recall exactly how that mechanism worked.

2 Q (BY MS. STILLMAN) If a volunteer was at
3 a -- at a homeless encampment in Hennepin County in
4 2021 and they encountered someone who was high risk
5 for COVID-19, what would be the process by which
6 they would go through to help get that person into a
7 hotel for them?

8 MS. PIERCE: Objection. Vague, including
9 a time frame. Did you say 2021?

10 MS. STILLMAN: 2020.

11 THE WITNESS: I thought you said 2021.

12 MS. PIERCE: I heard 2021.

13 MS. STILLMAN: 2020.

14 MS. PIERCE: And calls for speculation,
15 incomplete hypothetical, foundation.

16 Q (BY MS. STILLMAN) I apologize. I meant
17 2020.

18 MS. PIERCE: Same objections, then.

19 MS. STILLMAN: Yeah.

20 A. With regards to 2020, like I say, we were
21 looking to Health Care for the Homeless for
22 prioritization beyond initial intakes, which often
23 happened -- like I say, when it came to everybody
24 aged over 60, that first week was really focused on
25 congregate shelter and people who were aged over 60

1 in those settings and getting them out.

2 Beyond that, we looked to Health Care for
3 the Homeless to prioritize. They were active in
4 encampments, as well as in our shelter system, and
5 we were looking to them through that prioritization.
6 And I don't recall the exact mechanics of that.

7 Q (BY MS. STILLMAN) For people who were
8 staying in the COVID isolation rooms because they
9 had contracted COVID in -- during the 12 months that
10 these hotels were operational -- you said they were
11 operational for approximately 12 months; is that
12 correct?

13 A. No. I said -- my statement about
14 12 months was from the point at which vaccination
15 became available in February of 2021, when we
16 stopped new intakes, because vaccination became our
17 primary mechanism for preventing medical
18 complications from COVID. At that point we stopped
19 new intakes. And it was a further 12 months from
20 there until we ended the program, because we were
21 focused on exiting everybody that we could to
22 permanent housing, and that took time.

23 Extending backwards, the first programs
24 that we stood up were in March of 2020, in the first
25 weeks of -- I mean, actually, it was the very last

1 in-person board meeting where I went in front of the
2 board and said, We have these two strategies. It's
3 protective shelter, it's isolation shelter, and an
4 allocation of 3 million dollars from general funds
5 made. Because at that point there was no federal or
6 state funding available for these kind of things.
7 And nobody else was doing this kind of thing. But
8 we took that step on March 17th of 2020.

9 Q. So if somebody was in an isolation shelter
10 in April 2020, where were they sent after their
11 isolation period ended?

12 MS. PIERCE: Objection. Vague,
13 foundation, compound, calls for speculation,
14 incomplete hypothetical.

15 A. At the point at which that -- an
16 individual who was confirmed or presumptive COVID
17 was deemed to no longer be a transmission risk, they
18 would have the option of accessing a regular shelter
19 bed, or they had freedom of choice, of course. So
20 they wouldn't be sent anywhere, but options would be
21 provided, primarily shelter.

22 Q (BY MS. STILLMAN) Have you observed
23 encampment residents be more willing to go indoors
24 if they are offered a hotel room versus being
25 offered a shelter bed?

1 MS. PIERCE: Objection. Foundation,
2 vague, compound.

3 A. I cannot make that statement. No.

4 Q (BY MS. STILLMAN) Are there any benefits
5 to getting an individual who's experiencing
6 homelessness indoors versus staying in an encampment
7 outside?

8 MS. PIERCE: Can you repeat that question
9 for me, please?

10 (Whereupon, the court reporter read back
11 the requested portion of the record.)

12 MS. PIERCE: Objection. Vague, compound,
13 foundation, assumes facts not in evidence,
14 incomplete hypothetical, calls for speculation.

15 A. I am clear that all efforts should be made
16 to help individuals exiting encampments where the
17 risks from fire, infectious disease, violence and
18 exploitation are significant. I do not think that
19 all indoor options are automatically safe and
20 dignified, either. And, indeed, I think there is
21 evidence of that from 2020, if we look at a
22 situation like the Sheraton Hotel, which itself
23 became deeply unsafe.

24 Q (BY MS. STILLMAN) Did you ever go to the
25 Sheraton Hotel while -- in June of 2020, while it

1 was being used to temporarily house homeless
2 individuals?

3 A. No.

4 Q. Are there currently nonprofit
5 organizations helping people who are
6 experiencingly -- experiencing homelessness in
7 Hennepin County?

8 MS. PIERCE: Objection. Vague.

9 A. I mentioned earlier on, of course, that we
10 estimate kind of 50 nonprofit partners, agencies,
11 participating in various aspects of -- of homeless
12 response activities, so I -- I think the answer is,
13 yes, but I also think it's been covered.

14 Q (BY MS. STILLMAN) I am marking document
15 Bates stamped HC00012482 as Exhibit 209.

16 (Deposition Exhibit Number 209 marked for
17 identification.)

18 (Discussion held off the record.)

19 Q. So at the top of this document it says,
20 From David Hewitt to Katie Topinka, Donald Ryan and
21 Andrea Brennan, dated June 23rd, 2020. Correct?

22 A. Yes. Looks like it.

23 Q. And this is an email thread between you,
24 Katie Topinka, Don Ryan and Andrea Brennan that goes
25 through multiple emails, correct?

1 A. Appears to be. Yes.

2 Q. So if you go to page -- the page that ends
3 in 12484, there is that number 6, Long-Term Planning
4 and Visioning.

5 Do you see that?

6 A. I do.

7 Q. And it says, I think we need to be really
8 upfront that the ideas of increased housing shelter
9 capacity is not something we are likely to be able
10 to do at a significant scale in response to this. I
11 think we say for the County and the City we reported
12 we have no capacity to safely stand up additional
13 sites to the State on May 13th, before this latest
14 crisis and the situation.

15 In June 2020, did Hennepin County have the
16 capacity to significantly increase housing and
17 shelter capacity?

18 MS. PIERCE: Objection. Vague,
19 foundation.

20 A. I referenced in one of my recent answers
21 that we were amongst the first to stand up
22 non-congregate shelter for the people at highest
23 risk of COVID. And we did that out of
24 Hennepin County existing capacity, essentially. We
25 were begging, borrowing staff from across every

1 department.

2 As I recall, around June of 2020, we made
3 several requests to the State for assistance. We
4 were struggling to staff sites on a weekly basis.

5 So this email was immediately preceded by
6 a very, very significant increase in shelter
7 capacity. And, yes, we had hit a point where it was
8 not foreseeable that we were going to add to that
9 significantly again in the near future, given the
10 constraints we were facing and the lack of
11 assistance we were receiving.

12 Q (BY MS. STILLMAN) The bottom of that
13 section says, If nonprofit partners see
14 opportunities to safely operate more shelter and
15 housing, we are happy to support them, and there
16 will be opportunities through ESG funding.

17 Otherwise, we are going to be reliant on
18 resources already in our community and the ability
19 of outreach teams to connect people to those
20 opportunities, whether they be programmatic through
21 CES or in Board and Lodge, or informal connecting
22 people to family and friends.

23 Correct?

24 A. Yes.

25 Q. Did you think it was important to safely

1 operate more shelter and housing in June of 2020 --

2 MS. PIERCE: Objection.

3 Q (BY MS. STILLMAN) -- in Hennepin County?

4 MS. PIERCE: Oh, sorry.

5 MS. STILLMAN: Sorry.

6 MS. PIERCE: Objection. Vague, incomplete
7 hypothetical, calls for speculation.

8 A. I think it is always important that
9 anything being stood up be safe, as a partial answer
10 to -- to your question.

11 I also believed, as this kind of alludes
12 to, that there were more opportunities to be made of
13 existing capacity, both in terms of speeding up
14 housing connections through the Coordinated Entry
15 System, making better use of Board and Lodge
16 programs. We haven't spoken about those, but those
17 are not homeless-specific, and so do not go through
18 that same Coordinated Entry System process,
19 site-based programs that were reporting significant
20 numbers of vacancies at this time and were available
21 to house people with disabilities.

22 And, of course, there is always the
23 informal connection piece. And I can say more on
24 that.

25 But we also have the ESG reference in

1 here, so we were about to release a request for
2 proposals for Emergency Solution Grant COVID funding
3 that the federal government had provided to city and
4 county, and so were interested in what proposals
5 others might bring forward.

6 And, of course, we're always interested in
7 what the market can deliver that would lead to a
8 better system. And that was kind of where we were,
9 to the best of my recollection, in June of 2020.

10 Q (BY MS. STILLMAN) So you said Board and
11 Lodges serve people with disabilities, correct?

12 A. Correct.

13 Q. How do Board and Lodges define disability?

14 MS. PIERCE: Objection, foundation.
15 Objection, compound.

16 A. These programs also access state housing
17 support, so we lean on state definitions. I don't
18 have that off the top of my head.

19 Q (BY MS. STILLMAN) Do Board and Lodges
20 sometimes have other restrictions in addition to
21 requiring that a resident be disabled?

22 MS. PIERCE: Objection, vague. Objection,
23 foundation.

24 A. We have approximately 2,000 units of
25 Board and Lodge housing across the portfolio in

1 Hennepin County. These are run by an array of
2 independent agencies that, much like our discussion
3 around shelter earlier on, have their own
4 programmatic design and requirements.

5 So, in short, yes. Different Board and
6 Lodges may have different focuses, different
7 programming that will be a fit for specific groups
8 of people.

9 Our position was, as long as there are
10 vacancies here, let's at least make sure that people
11 are aware of those options and we're making the most
12 of them for anyone that's a good fit.

13 Q (BY MS. STILLMAN) I am marking document
14 that's been Bates stamped HC00038855 as Exhibit 210.

15 (Deposition Exhibit Number 210 marked for
16 identification.)

17 Q. And this is an email -- the top page is an
18 email from Jodi Wentland to you and Michael Herzing
19 on October 17th, 2020, correct?

20 A. Yes. It appears to be.

21 Q. And this is a forward of an email from
22 Yusra Murad, dated October 16th of 2020, to Jodi
23 Wentland that's located on page 2.

24 A. I see that.

25 Q. So in -- Do you know who Yusra Murad is?

1 A. Yes.

2 Q. Who is she?

3 A. To my recollection, Yusra was involved in,
4 alternately, the Sanctuary Movement and a nonprofit
5 known as ZACAH.

6 Q. What's your knowledge about ZACAH?

7 A. My knowledge about ZACAH is fairly
8 limited.

9 Q. What is it?

10 A. I am aware that they are a 501(c)(3). Or
11 at least that's how it was presented to me. I am
12 aware that there is a -- that they have stated
13 publicly that they had been doing work around
14 housing prior to 2020, though -- neither I nor
15 anyone I know had ever heard of them prior to this
16 point. I am aware at this point they started acting
17 as kind of a fiscal agent for some of the activities
18 happening that seemed to coincide with the Sanctuary
19 Movement. I couldn't speak exactly to the alignment
20 of those two things.

21 Q. What is your understanding of ZACAH's
22 mission?

23 A. I -- Everything I just said is as much as
24 I could say with regards to their mission. Like I
25 say, we had literally never heard of them until this

1 point.

2 Q. Have you ever spoken to Yusra -- Yusra
3 Murad on the phone?

4 A. It's only possible. I spoke to an awful
5 lot of people on the phone, well, all the time, but
6 especially in 2020. Yeah. I -- I can believe that
7 I have.

8 Q. So going back to this document, on the
9 second page, ending in 38856, Yusra Murad writes,
10 Please do send me that information on how to apply
11 for the requested 18K ZACAH spent to house the Logan
12 Park residents at the Extended Stay. I am hoping at
13 the very least we qualify for reimbursement.

14 Do you see that?

15 A. Yes.

16 Q. And then she writes, Total collections are
17 dwindling, and we are petrified that after two more
18 weeks we won't have enough for any hotels left,
19 leaving our current guests with nowhere to go and no
20 option for the hundreds of people still outside.

21 Do you see that?

22 A. Yes.

23 Q. And then Ms. Wentland forwarded this to
24 you and Michael Herzing and wrote -- asked you to
25 look at the below draft response, correct?

1 A. It appears so.

2 Q. Did you respond to this email?

3 A. As I said earlier, I believe I am
4 responsive to emails, so I would assume so. I
5 couldn't tell you exactly what I said.

6 Q. Okay. And in this email Jodi Wentland
7 writes, There are about 30 to 40 single adult
8 shelter beds -- or about 30 to 40 single adult
9 shelter beds are going unused every night.

10 Correct?

11 A. I see that written there. Yep.

12 Q. Okay.

13 MS. STILLMAN: I'm marking a document
14 that's been Bates stamped HC00033851 as Exhibit
15 Number 211.

16 (Deposition Exhibit Number 211 marked for
17 identification.)

18 Q (BY MS. STILLMAN) So --

19 MS. PIERCE: And, Counsel, for the record,
20 I'm going to indicate that the top-most email is
21 most likely a draft, because it doesn't include a
22 From line.

23 Q (BY MS. STILLMAN) If you look in the
24 middle section, there is in -- on the first page,
25 there is an email from Don Ryan to you, dated

1 November 12th, 2020, correct?

2 A. I see that.

3 Q. And it's a forward, [External] Updates on
4 Hotel.

5 Correct?

6 A. Yes.

7 Q. And it's a forward of this email below
8 from John Tribbett to Don Ryan dated November 12th,
9 2020, correct?

10 A. I see that as well.

11 Q. Okay. And in this Mr. Tribbett writes,
12 Essie and I spoke with individuals involved with
13 ZACAH and the Sanctuary Movement that have been
14 putting folks up in hotels. Here's what we -- is
15 what we were told: In regards to the Extended Stay,
16 that Hennepin was going to purchase but the deal
17 fell through; 50 individuals who will be leaving the
18 hotel by 11/13; ZACAH's out of money and can't
19 realistically handle the caseload from out there.

20 Do you see that?

21 MS. PIERCE: From?

22 MS. STILLMAN: From there on out.

23 MS. PIERCE: There you go.

24 Q (BY MS. STILLMAN) Do you see that?

25 A. I do see that, with that amendment. Yes.

1 Q. And Don Ryan wanted to discuss this with
2 you, correct?

3 A. That's how it looks from his email.

4 Q. And in either this draft or sent email
5 that's on the top, you said, Yes. You might want to
6 relay to John that the plan I am aware of was for
7 them to go to Strong Tower shelter (not Elim) and
8 they are planning to open. I believe they got
9 approval from the fire marshal this week, but I'm
10 not sure how close they are to opening. That is a
11 private effort (we're providing some capital for
12 showers).

13 And the contact there is LaTonya Whitley.
14 Correct?

15 A. Yep. I see that written there.

16 Q. Did the Strong Tower shelter open?

17 MS. PIERCE: Objection. Foundation.

18 A. This -- the Strong Tower shelter did open,
19 though not on this timeline, not at this point.

20 Q (BY MS. STILLMAN) When did it open?

21 MS. PIERCE: Objection. Foundation.

22 A. I'm not entirely sure. I feel like it
23 opened the following winter.

24 Q (BY MS. STILLMAN) Was the Strong Tower
25 shelter open in February of 2020?

1 MS. PIERCE: Objection. Foundation, asked
2 and answered.

3 A. Yes. When I speak -- when I say the --
4 the winter, the following winter, that's certainly
5 not February 2020.

6 My belief, and, again to the best of my
7 recollection, is that it opened the winter spanning
8 the end of 2021, coming into 2202.

9 Q. Would Housing Stability have a record of
10 whether the Strong Tower shelter opened?

11 MS. PIERCE: Objection. Foundation.

12 A. Depends a little bit what you mean by
13 "record." We -- as in this email, the funding that
14 we had provided to that operation was through a
15 competitive process for capital. To support
16 improvements to shelter programs, they applied
17 through that.

18 We were not providing them with
19 operational funding. So we didn't have a contract
20 with them for that winter. They did have funding, I
21 believe, from other governmental entities who,
22 therefore, may have contractual documents.

23 We would have emails from the time, no
24 doubt, between staff, saying, yes, this is opening
25 on such and such a date, I would imagine.

1 Q (BY MS. STILLMAN) Is it your practice to
2 track whether a shelter opens if you are going to be
3 providing that shelter with money?

4 MS. PIERCE: Objection.

5 By "you" do you mean Hennepin County or
6 the witness?

7 MS. STILLMAN: The witness.

8 MS. PIERCE: The witness individually
9 providing capital?

10 MS. STILLMAN: The -- Hennepin County
11 providing capital.

12 Q (BY MS. STILLMAN) Is it your --

13 A. Yeah.

14 Q. -- practice to track if a shelter opens if
15 Hennepin County, specifically the Housing Stability,
16 provides capital to a shelter?

17 MS. PIERCE: Objection. Assumes facts not
18 in evidence, calls for speculation, incomplete
19 hypothetical, vague.

20 A. Additionally, the vast majority of
21 capitals that we provided which do exist in
22 shelters -- this is kind of an unusual circumstance.
23 But, yes, we were -- I -- I mean, again, define
24 track, define record. But, of course, we were keen
25 to see that opened, and when it did the following

1 winter, glad to see the resources that we provided
2 being used to provide people with shelter.

3 Q (BY MS. STILLMAN) Is it your understanding
4 that Strong Tower shelter and Elim shelter are two
5 separate shelters?

6 MS. PIERCE: Objection. Foundation.

7 A. I believe they refer to two separate
8 buildings. So I guess I would say, yes.

9 Q (BY MS. STILLMAN) How many people could
10 stay in the Strong Tower shelter at one time?

11 MS. PIERCE: Objection. Foundation.

12 A. Strong Tower is operating as a shelter
13 right now. I believe they have set their capacity
14 at 50 people.

15 Q (BY MS. STILLMAN) And how many -- what was
16 the capacity for the Strong Tower shelter in
17 November of 2020?

18 MS. PIERCE: Objection. Misstates
19 previous testimony about when it was opened.

20 A. Yeah. I've already said that it didn't
21 open in November 2020.

22 Q (BY MS. STILLMAN) What was the capacity at
23 Strong Tower shelter when it opened?

24 MS. PIERCE: Objection. Foundation.

25 A. To the best of my recollection, 50 has

1 been the capacity there.

2 I mean, for what it's worth, when shelters
3 open, it sometimes takes a little bit of time to get
4 up to capacity. You do kind of a phased launch.
5 But 50 in terms of the maximum capacity is what I
6 recall.

7 Q (BY MS. STILLMAN) Do you know for -- do
8 you know if Strong Tower shelter is supported by the
9 group MICAH?

10 MS. PIERCE: Objection. Foundation.

11 A. That is not who we provided funding to.
12 Rescue Now is the 501(c)(3) that operates that
13 shelter right now.

14 Q (BY MS. STILLMAN) Who operated it when it
15 opened?

16 MS. PIERCE: Objection. Foundation.

17 A. I believe it has been Rescue Now. Since
18 opening, at least post this email that you're
19 sharing, there was a history of that building having
20 opened as a shelter prior to the pandemic. We were
21 not involved in those operations. That predated
22 Rescue Now.

23 Q (BY MS. STILLMAN) Did the people who were
24 staying at the Extended Stay in rooms funded by
25 ZACAH go to the Strong Tower shelter?

1 MS. PIERCE: Objection. Foundation,
2 compound.

3 A. As Strong Tower didn't open in that time
4 frame, they could not have done, to the best of my
5 knowledge.

6 Q (BY MS. STILLMAN) Where did they go?

7 MS. PIERCE: Objection. Foundation,
8 compound.

9 A. I do not have that information.

10 MS. PIERCE: Counsel, you've been going
11 about an hour. Do you want to take a break, or do
12 you want to finish what you're on?

13 MS. STILLMAN: I only -- I think I only
14 have a few more questions in this.

15 MS. PIERCE: Okay.

16 MS. STILLMAN: I'm going to mark a
17 document that's been Bates stamped HC00014605 as
18 Exhibit 212.

19 (Deposition Exhibit Number 212 marked for
20 identification.)

21 Q. (BY MS. STILLMAN) And this is an email
22 from you to LaTonya Whitley dated September 25th,
23 2020, correct?

24 A. Yep. I see that.

25 Q. And then below that, on September 25th,

1 2020, you wrote, Thanks for your email. I tracked
2 down the State ESP funding page.

3 And then you provide the link.

4 MS. PIERCE: Counsel, I'm sorry. Where
5 are you?

6 MS. STILLMAN: On the bottom of the first
7 page.

8 THE WITNESS: First page.

9 MS. PIERCE: I'm sorry. Thank you.

10 Q. (BY MS. STILLMAN) Thanks for your email.
11 I tracked down the State ESP funding page. It is
12 at -- and then you provide a link.

13 A. Yeah. I see that.

14 Q. So you helped Strong Tower parish get
15 funding for a shelter, correct?

16 MS. PIERCE: Objection. The document
17 speaks for itself, vague.

18 A. As I've already explained, through a
19 competitive process, we issued capital funding for
20 them to help prepare the building.

21 This email here -- I sent an email letter
22 to a provider yesterday. If somebody is asking me
23 where they can get funding, I am providing a link to
24 a separate governmental entity that's offering
25 funding. I don't feel like I'm doing anything more

1 than telling them where to look for funding through
2 another entity.

3 Q (BY MS. STILLMAN) In the email on top from
4 LaTonya Whitley, LaTonya Whitley writes in the last
5 sentence, We are moving forward and expecting a way
6 to shelter the individuals at Logan Park encampment.
7 They are counting on us.

8 Correct?

9 A. I read that.

10 Q. Were the Logan Park encampment residents
11 who ZACAH was paying to have stay in hotel rooms?

12 MS. PIERCE: Have that -- Can I have that
13 question read back?

14 (Whereupon, the court reporter read back
15 the requested portion of the record.)

16 MS. PIERCE: Is that your complete
17 question?

18 MS. STILLMAN: Yeah.

19 MS. PIERCE: Objection. Vague, hard to
20 understand.

21 A. You said residents as well.

22 MS. PIERCE: Yes. Use of residents.

23 A. I did not personally know who was staying
24 at the Logan Park encampment, nor who was in the
25 Extended Stay, but I do recollect there was some --

1 there was some relationship here. But I couldn't
2 say more than that.

3 I mean, by definition, if they're being
4 described here as people staying in the Logan Park,
5 they're not in the Extended Stay, but --

6 Q (BY MS. STILLMAN) If you go to the third
7 page of this document, the top part is a
8 continuation from your email. And you wrote, I'm
9 also copying in Katie Topinka from the City of
10 Minneapolis and would suggest that we have a
11 follow-up call with Katie as well as we try to
12 identify what sources of support might be available.

13 MS. PIERCE: Do you mean the second page?

14 MS. STILLMAN: Yes.

15 A. Sorry. Okay.

16 Q (BY MS. STILLMAN) Do you see that?

17 A. Yes, I do.

18 Q. Was it your practice to set up calls with
19 people who emailed you to request funding to
20 identify sources of support?

21 MS. PIERCE: Objection. Foundation,
22 compound, incomplete hypothetical, calls for
23 speculation.

24 A. It would depend on the specific
25 circumstances, what they're proposing, what I was

1 aware of at that time. Yeah. There's a lot of
2 variables.

3 Q (BY MS. STILLMAN) Why did you want to set
4 up a phone call with Katie Topinka and LaTonya
5 Whitley --

6 MS. PIERCE: Objection. Misstates the
7 document.

8 MS. STILLMAN: Can I finish my question?

9 MS. PIERCE: Oh, sorry. I thought you
10 were done.

11 Q (BY MS. STILLMAN) Why did you want to set
12 up a phone call with Katie Topinka and LaTonya
13 Whitley in September of 2020 to identify what
14 sources of support might be available to LaTonya
15 Whitley?

16 MS. PIERCE: Objection. Misstates the
17 document.

18 A. Without providing any commentary at all on
19 this specific incident, there is a difference
20 between me wanting a meeting and suggesting a
21 meeting. And I'm doing the latter, from what I can
22 see here.

23 I mean, in this specific incidence, I can
24 only assume that I was aware that the City of
25 Minneapolis potentially did have funding for

1 something like this, and so it was logical for me
2 to -- to offer that connection.

3 Q (BY MS. STILLMAN) Did you have a call with
4 Katie Topinka and LaTonya Whitley to identify what
5 sources of support might be available?

6 A. I don't recall.

7 MS. PIERCE: If you're going to a new
8 document, I'd suggest taking the break now.

9 MS. STILLMAN: How long have we been
10 going?

11 MS. PIERCE: More than an hour.

12 MS. STILLMAN: Okay. We can take a break.

13 THE VIDEOGRAPHER: We are going off the
14 record at 2:55 p.m.

15 (Whereupon, a recess was taken.)

16 THE VIDEOGRAPHER: This is Media Number 5
17 in the deposition of David Hewitt. Today is
18 February -- February 16th, 2023. We're going back
19 on the record at 3:12 p.m.

20 Q. (BY MS. STILLMAN) Okay. I just marked
21 document Bates stamped HC00033813 as Exhibit 213.

22 (Deposition Exhibit Number 213 marked for
23 identification.)

24 Q. And this top email is an email from you to
25 Don Ryan, dated November 4th, 2020, correct?

1 A. I see that.

2 Q. And in that email you say that you should
3 not be referring anyone to ZACAH and ZACAH should
4 not be referring anyone to us. If people have
5 nowhere to stay, we need to direct them to the ASC.

6 Correct?

7 A. I see that.

8 Q. By ASC do you -- did you mean Adult
9 Shelter Connect?

10 A. Yes. Exactly.

11 Q. Why didn't you want anyone referring --
12 being referred to ZACAH?

13 MS. PIERCE: Objection. Misstates the
14 document.

15 A. I -- I was going to say, I say "we,"
16 referring to, in this case, myself and Don Ryan.
17 But essentially we had no oversight or knowledge of
18 the quality of service being provided by ZACAH. We
19 had no funding relationship or other relationship
20 with them.

21 When we are referring people to -- to
22 shelter units, what we set Simpson Housing Services
23 up to do, operating the Adult Shelter Connect, so we
24 wanted to make use of those existing systems, which
25 also are connected to a wider portfolio of shelter

1 providers with whom we did have relationship.

2 Q. (BY MS. STILLMAN) So this "we" that you're
3 referring to in this email is just you and Don Ryan?

4 A. I mean, this email is from two and a half
5 years ago, so I am -- I don't recall the email. But
6 as I read it here, that seems a likely
7 interpretation to me, yes.

8 Q. Did you instruct other Hennepin County
9 employees to not make referrals to ZACAH?

10 MS. PIERCE: Objection. Misstates the
11 document.

12 A. I don't recall that question being asked
13 in that way. But if I had been asked, should we do
14 this, I would have had extreme reservations, for all
15 the reasons I just shared.

16 Q. (BY MS. STILLMAN) The email below that top
17 one is from Don Ryan to you, on November 4th, 2020,
18 correct?

19 A. Appears to be. Yep.

20 Q. And he wrote, I have now received two
21 requests for hotel -- hotels for people with case
22 managers from Pinnacle Service. The first person
23 was not homeless. They were looking for a respite
24 period and have waiver dollars to cover the period
25 of the time they are getting construction done to

1 their home.

2 The first suggestion for Pinnacle to email
3 ZACAH directly requesting a room for this person
4 came from a Hennepin -- HC social worker. Are you
5 okay with me informing this unit that they should
6 not be making referrals to ZACAH for hotels?

7 Do you see that?

8 A. I do.

9 Q. And the second bullet point is, Since the
10 second request came from a Pinnacle Services social
11 worker also, is it okay to contact a supervisor
12 there asking Pinnacle to refrain from making
13 requests to ZACAH, since Yusra has informed me that
14 they are currently down to a limited amount of
15 funding? What is happening is ZACAH is then sending
16 an email to me asking to find a hotel room for the
17 requested person.

18 Anticipating that both of these will
19 continue, I would like to address this now, as long
20 as you are fine with it.

21 And you respond, Yes.

22 Correct?

23 MS. PIERCE: Objection. Misconstrues the
24 document.

25 A. I see the email from Don Ryan. I see that

1 in the email above it, the first word I have written
2 is, Yes.

3 Q (BY MS. STILLMAN) So you were okay with
4 Don Ryan informing that Hennepin County social
5 workers unit that they should not be making
6 referrals to ZACAH for hotels?

7 MS. PIERCE: Objection. Misstates the
8 document.

9 A. I'm -- I -- For all of the reasons I
10 shared earlier, I would be comfortable with that
11 suggestion: We have no knowledge of the quality of
12 service being provided, we had no relationship with
13 that agency, and we should be referring people in
14 need of shelter to the Adult Shelter Connect.

15 Q (BY MS. STILLMAN) What do you consider a
16 relationship with an agency?

17 MS. PIERCE: Objection. Vague.

18 A. I think that could take a couple of
19 different forms, but the clearest one is a
20 contractual relationship, some kind of funding
21 mechanism or a -- otherwise an agreement that gives
22 us a role in the oversight of that -- that work.

23 Q (BY MS. STILLMAN) What are some other
24 forms of relationship you have with -- could have
25 with an agency?

1 MS. PIERCE: Objection. Vague.

2 A. I can imagine different ones, but as an
3 example, there could be an agency or a program
4 participating in the Coordinated Entry System that
5 doesn't receive County funding, but rather receives
6 federal or state funding, requiring it to take its
7 referrals through the Coordinated Entry System.

8 Q (BY MS. STILLMAN) So I'm going to mark a
9 document Bates stamped HC00040377 as Exhibit 214.

10 (Deposition Exhibit Number 214 marked for
11 identification.)

12 Q. And this is -- top -- the first page is an
13 email from Yursa Murad to Bilal Murad, Naheed Murad,
14 Sheila Delaney, and then cc'ed are you and a couple
15 of other individuals. And this email is dated
16 October 31st, 2020, correct?

17 A. I believe so. Yes. Sorry. I was trying
18 to read the document at the same time as you were
19 asking the question.

20 MS. PIERCE: Take your time. Take your
21 time. And when you're ready, we can have the
22 question reread.

23 A. Okay. Go ahead.

24 MS. PIERCE: Can you -- will you reread
25 her question?

1 (Whereupon, the court reporter read back
2 the requested portion of the record.)

3 A. Yes. Appears to be.

4 Q (BY MS. STILLMAN) So in this email, in
5 that third paragraph, Yusra stated that she reached
6 out to Commissioner Conley on 10/9/2020 asking for
7 help with a group at Extended Stay. Jodi Wentland
8 and I had an extensive conversation to discuss the
9 need for support. Since then I have been in
10 constant communication with the corporate offices at
11 Extended Stay; Don Ryan; case workers with
12 St. Stephen's, Simpson Housing, Breaking Fee --
13 Breaking Free; Avivo; and more.

14 Correct?

15 A. I read that.

16 Q. Margaret King was working with us to
17 transport folks from Logan Park to the hotel on
18 10/13/2020, though it never came to fruition.

19 Correct?

20 A. I read that, too.

21 Q. And then, Don and I spoke yesterday,
22 10/29/2020, to discuss County workers coming on
23 Sunday, 11/1/2020, to support residents in moving.
24 Apparently that cannot happen.

25 Would you consider a person at a nonprofit

1 having numerous conversations with Hennepin County
2 employees to have a relationship with Hennepin
3 County?

4 MS. PIERCE: Objection. Vague and --
5 yeah.

6 A. Yeah. I mean, you asked me about
7 relationship previously. I talked about a
8 contractual arrangement, an oversight arrangement,
9 an agreement arrangement. Clearly, it doesn't
10 constitute that.

11 The other example I got was -- I gave was
12 participating in the Coordinated Entry System.
13 Clearly, that is not the case here, either.

14 I mean, if you want to stretch, you know,
15 what constitutes a relationship as far as you like,
16 we have a relationship now, I guess.

17 But with regards to my earlier comments
18 around relationship, no, I do not think emailing a
19 commissioner or indeed meeting with a member of
20 Hennepin County staff denotes a relationship of the
21 kind that I was alluding to when I talked about
22 contracts, agreements, participation and
23 programming.

24 Q (BY MS. STILLMAN) Yusra then writes, We
25 are working with Start Today Hennepin to ensure our

1 residents at the Hampton Inn are on a path to
2 housing.

3 See that?

4 A. I do.

5 Q. And you said before that Start Today
6 Hennepin was an independent agency, correct?

7 A. Correct.

8 Q. So Hennepin County can't control every
9 individual that Start Today Hennepin chooses to work
10 with, correct?

11 MS. PIERCE: Objection. Vague as to
12 control.

13 A. I believe, as I shared earlier on when we
14 were discussing the subject, Start Today, depending
15 on what funding they're using, of course, as an
16 independent agency, can deliver services and go
17 about business as they choose.

18 That said, when they have an agreement
19 with Hennepin County or are accepting funding
20 through a public entity, that often comes with
21 requirements. So the programs that come with those
22 funding and requirements we would have some
23 involvement in.

24 Q (BY MS. STILLMAN) Down in the
25 third-to-last paragraph Yusra writes, Don and I have

1 a relationship of trust and communication, and he
2 knows there are not enough shelter beds. The County
3 will not provide an alternate space. Residents are
4 devastated and infuriated and know the County has
5 CARES money and have nowhere to go.

6 Do you see that?

7 A. I do.

8 Q. Is it your understanding that ZACAH funded
9 hotel rooms to people who had been staying in
10 encampments that didn't want to go to shelters?

11 MS. PIERCE: Objection, foundation.
12 Objection, misstates the record.

13 A. I do not have knowledge of the specific
14 individuals that they were supporting in hotel
15 rooms. I have seen emails of this like that present
16 the information in -- in ways that align with what
17 you're saying, but I don't have anything more than
18 that to go on.

19 Q (BY MS. STILLMAN) Did the County ever
20 provide funding to ZACAH to pay for hotels for
21 people who were experience -- hotel rooms for people
22 experiencing homeless -- homelessness?

23 A. No.

24 Q. Why not?

25 MS. PIERCE: Objection. Foundation.

1 A. That is not a thing we were doing. I've
2 already outlined the very specific strategy the
3 County deployed using hotel sites for protective and
4 isolation shelter.

5 My understanding with regards to what
6 ZACAH were offering was not either protective or
7 isolation shelter. But, also, we weren't
8 necessarily funding other agencies to -- to deliver
9 those kind of at their request, anyway.

10 So we received other requests from people
11 saying, Will you pay for my hotel stay? The answer
12 was generally that that was not something we were
13 going to do, with the exception of those specific
14 programs that we were funding to operate as
15 protective shelter, for those at highest risk of
16 medical complication from COVID, as prioritized in
17 partnership with our public health colleagues; or
18 those who were either confirmed or presumptive COVID
19 cases, for isolation to prevent the risk of
20 transmission.

21 Q (BY MS. STILLMAN) Why did you agree to
22 provide funding to Strong Tower parish?

23 MS. PIERCE: Objection. Misstates the
24 record.

25 A. Well -- and I believe it was, as I say,

1 Rescue Now, the 501(c)(3) that applied for the
2 funding. They applied through a competitive
3 process. They were selected along with a number of
4 other 501(c)(3)s that were looking for capital
5 funding for shelter, to be able to operate shelter
6 in COVID environments.

7 What is being presented here is certainly
8 not coming through a competitive process, is not
9 capital funding, is a completely different ball of
10 wax.

11 Q (BY MS. STILLMAN) How long does that
12 competitive process usually take?

13 MS. PIERCE: Objection. Vague, compound,
14 calls for speculation, incomplete hypothetical.

15 A. Typically we have the request for
16 proposals out in community for at least a few weeks.
17 Can be longer. I could not recall exactly how long
18 that one was open for.

19 Obviously we were moving at great speed in
20 2020, not least because -- and I see the reference
21 to CARES funding here. At this point the CARES
22 funding that Hennepin County had received from the
23 federal government was due to expire and could not
24 be expended beyond the end of December of that year.

25 Q (BY MS. STILLMAN) So if somebody -- that

1 RFP process wouldn't be able to assist individuals
2 who were in immediate need of a shelter option in
3 Hennepin County, correct?

4 MS. PIERCE: Objection. Vague as to the
5 meaning of individuals.

6 Do you mean individual people or
7 individual organizations?

8 MS. STILLMAN: Individual people.

9 A. Individual people needing shelter in
10 Hennepin County we direct to contact the Adult
11 Shelter Connect in order to reserve an available
12 bed.

13 Our request for proposals were not for
14 individuals, no. They were for nonprofits who were
15 operating a shelter to seek capital funding to help
16 adapt their buildings to be more conducive to
17 providing a shelter in a pandemic environment, which
18 we thought was a suitable use of CARES funding.
19 Also, a suitable use of CARES funding given not only
20 its focus on pandemic mitigation, but also the fact
21 that it was one-time funding, due to expire at the
22 end of December. As a capital fund, it was a
23 logical way to use one-time funding.

24 Q (BY MS. STILLMAN) But there isn't a --
25 always a shelter bed available for somebody,

1 correct?

2 MS. PIERCE: Objection. Asked --

3 A. I really feel like we've been around this
4 a fair amount.

5 MS. PIERCE: Objection, asked and
6 answered. Objection, vague. Objection, calls for
7 speculation. Objection, incomplete hypothetical.

8 And -- and we did spend significant time
9 on that question already, Counsel.

10 Q (BY MS. STILLMAN) Well, I'm just asking
11 again because you said that, if somebody needed
12 immediate assistance, you would have them call Adult
13 Shelter Connect.

14 A. Correct.

15 MS. PIERCE: Same objections.

16 A. New -- new beds open up every single day
17 through the Adult Shelter Connect. People calling
18 in during the day would be able to reserve a bed,
19 until the point at which no further reservations
20 could be made.

21 At that point the Adult Shelter Connect
22 would direct them to call back in the evening, when
23 every single evening new shelter beds became
24 available. People calling in then would be able to
25 claim one of those beds, up until the point, should

1 it happen, that no further beds can be offered at
2 that time. They would then be directed to call back
3 in the next morning.

4 Q (BY MS. STILLMAN) But it has happened in
5 20- -- but it did happen in 2020 that there were
6 nights when there were no available shelter beds?

7 MS. PIERCE: Objection. Asked and
8 answered, misstates the witness's previous
9 testimony, calls for speculation, incomplete
10 hypothetical.

11 A. There would have been single occasions
12 when somebody calling in would be told to call back
13 tomorrow, if there was nothing available to them
14 right in that moment, yes.

15 Q (BY MS. STILLMAN) So, then, what were
16 those individuals who were told to call back the
17 next day -- where were they supposed to go --

18 MS. PIERCE: Objection.

19 Q (BY MS. STILLMAN) -- if they wanted indoor
20 shelter?

21 MS. PIERCE: Pardon me.

22 Objection. Compound, vague, incomplete
23 hypothetical, calls for speculation, asked and
24 answered.

25 A. I don't given direction on where people

1 are supposed to go. Our goal is to try and make
2 sure that shelter is available. That's what we seek
3 to do, in partnership with our nonprofit partners,
4 as far as possible.

5 Q (BY MS. STILLMAN) So nonprofits like ZACAH
6 could offer people experiencing homelessness an
7 indoor location in that situation to stay?

8 MS. PIERCE: Objection. Misstates
9 previous testimony.

10 A. We had no influence over the activities of
11 ZACAH or what they were doing, that I'm aware of.

12 Q (BY MS. STILLMAN) Does Housing Stability
13 provide funding to any organizations that don't
14 require --

15 Well, I'm going to take back that
16 question.

17 Shelters -- homeless shelters in Hennepin
18 County aren't necessarily an appropriate resource
19 for every person experiencing homelessness in
20 Hennepin County, correct?

21 MS. PIERCE: Objection. Vague, compound,
22 calls for speculation, incomplete hypothetical,
23 potentially calls for expert testimony.

24 A. Yeah. I -- I'm not sure exactly what's
25 being asked. I think -- I mean, I'll refer to

1 earlier answers that I've given around the purpose
2 of shelter, which is that the goal is to make space
3 available so that people can find an alternative to
4 staying outside, as far as is practically possible.

5 I don't think shelters end homelessness.
6 I think housing does. And that's all I will say.

7 Q (BY MS. STILLMAN) I am marking a document
8 that's been Bates stamped HC00019269 as Exhibit 215.

9 (Deposition Exhibit Number 215 marked for
10 identification.)

11 Q. If you go to the third page, that ends in
12 19271 --

13 A. Could I just take a second with this one?
14 It's another long one.

15 Q. Absolutely.

16 A. Okay. Yeah. Go ahead. Thank you.

17 Q. So if you look at page 3, that ends in
18 19271, above that Caution: External line, it says,
19 From: David Hewitt. To: John Tribbett, Andrea
20 Brennan, Michael Huffman, Don Ryan and Monique
21 Moore, dated October 13th of 2020, correct?

22 MS. PIERCE: Objection. Misstates the
23 document.

24 A. You missed Katie Topinka's name. But,
25 yes, otherwise, I think so.

1 Q (BY MS. STILLMAN) In the second paragraph,
2 at the end, you write, I'm assume -- or I'll just --
3 in that second paragraph, For the other five, do you
4 have a breakout of how many actually were in shelter
5 but visiting (noting that is one explanation
6 provided) and, for those who are not, the reasons
7 for declining outright?

8 I'm assuming some combination of (a) don't
9 want to contribute to cost of shelter, (b) don't
10 want rules (though knowing which rule is useful
11 information if provided), and (c) advantages of
12 encampment (i.e. access to resources and/or meeting
13 chemical dependency needs) but it is good for us to
14 know which of these are coming up and why and any
15 other reasons that might be provided.

16 Do you see that?

17 A. Yes.

18 Q. Do you agree that there are reasons that,
19 (a), shelter -- that people might not want to go to
20 a shelter in Hennepin County?

21 MS. PIERCE: Objection. Vague, compound,
22 incomplete hypothetical, calls for speculation,
23 asked and answered this morning.

24 A. I will add on this one, in case it's not
25 apparent, that these questions specifically relate

1 to families with children. As I referenced earlier,
2 and it is unique in the state of Minnesota, one of
3 only four communities in the entire country that has
4 a right to shelter policy of families. What that
5 means is that capacity should never be a reason for
6 any family with children not being able to access
7 shelter.

8 What that also, therefore, means, is, we
9 really want to know if there are families who are
10 staying outside, and we want to understand the
11 reasons why, in large part because, of course,
12 minor-aged children are particularly vulnerable in
13 those settings.

14 So seeing the earlier email in which John
15 alludes to interacting with families not interested
16 in shelter, we want to know why.

17 I have hypothesized in this email as to
18 what some of those reasons might be. And, yes, over
19 my years at Hennepin County, these are reasons that
20 we have heard.

21 It's pretty rare, to be honest. Our
22 point-in-time count, unsheltered count, we typically
23 see of the unsheltered count the number of -- the
24 proportion that is families with children is between
25 like 1 and 5 percent of the count. So it's very

1 rare in our community, but we're really concerned
2 about it when it happens, because, I think we can
3 all agree -- I mean, obviously, nobody should be
4 sleeping outside. One person outside is one too
5 many. But kids sleeping outside brings with it an
6 extra consideration. So we really wanted to
7 understand the reasons.

8 Frankly -- I will add to that -- I really
9 want to make sure that this outreach team were
10 asking the questions and they weren't making
11 assumptions about families making choices to be
12 outside, when, perhaps, those families weren't in --
13 weren't fully aware of both the availability of
14 shelter, and, for instance, as I mention here, that,
15 when it comes to things like paperwork, there are
16 exception processes that can be put in place to make
17 sure that families can be brought inside quickly.

18 I wanted to make sure that there wasn't
19 a -- a child sleeping outside unnecessarily, and
20 that's why I was pushing John on this to understand
21 the root of what he was describing.

22 Q (BY MS. STILLMAN) Do you think these three
23 things you mentioned might also be reasons that
24 single adults might not want to go to a shelter?

25 MS. PIERCE: Objection. Vague, compound,

1 calls for speculation, incomplete hypothetical,
2 asked and answered this morning.

3 A. Taking the (a, (b, (c) from my email, (a),
4 don't want to contribute to cost of shelter, no, I
5 do not think that that is a reason. All single
6 adult shelters were free to use at this period in
7 2020 and are still free to use today.

8 For what it's worth, family shelter is
9 also now free to use. We eliminated the self-pay
10 policy in 2021.

11 (b), don't want rules. Yes. We hear
12 that.

13 (c), advantages of encampment (i.e. access
14 to resources and/or meeting chemical dependency
15 needs). Yes. We have heard that people stay in
16 encampments.

17 And, again, I am providing information
18 that, as I say -- I'm saying, we have heard. Means
19 that somebody has told me this at some point, that
20 that has occurred with regards to people are there
21 because they have access to the chemicals of their
22 choice.

23 And, yes, I mean, something that we heard
24 along the way is that, where a perception arose that
25 people might get a better outcome from staying at an

1 encampment from a shelter, specifying that they
2 might be provided with, say, a free hotel room or
3 quicker housing by being there, that for some that
4 can act as an incentive for them to leave a safer
5 shelter environment and move to a more dangerous,
6 unsheltered environment, putting themselves at risk
7 from fire, infectious disease, violence and
8 exploitation.

9 Q (BY MS. STILLMAN) Have you ever heard that
10 people experiencing homelessness don't feel safe at
11 shelters in Hennepin County?

12 MS. PIERCE: Objection. Compound, vague.

13 A. Yes. I've worked very closely since I
14 started in my second position at Hennepin County
15 with Street Voices of Change advocacy group, made up
16 of people who have experienced or are experiencing
17 homelessness.

18 They formed in early 2017, which happened
19 to be when I started in that role. One of my first
20 meetings with them was to discuss conditions of
21 Harbor Light Center.

22 We have worked closely alongside them to
23 make reforms that they saw as vital to improving the
24 shelter experience for people experiencing
25 homelessness, including, but not limited to,

1 incorporating their shelter bill of rights into our
2 funding contracts in 2019, funding their highest
3 priority in shelters and adding case management,
4 and, invariably, through particularly pandemic
5 resources, adding the other things that they saw as
6 a priority around storage, additional staff -- well,
7 24/7 opening, so on and so forth.

8 So, yes, we have heard that perception,
9 and we've worked hard with our nonprofit partners
10 and people experiencing homelessness to improve the
11 experience there.

12 I will add that, in my time -- let me just
13 take the end of 2018 as an example, when I was
14 regularly present at the Hiawatha/Franklin
15 encampment -- that the levels of danger, the
16 incidence of -- and this was certainly reported at
17 Hiawatha/Franklin. Indeed, there were two incidents
18 of this reported at Powderhorn Park -- of, for
19 instance, sexual violence against minor-aged
20 children. These were things being reported at
21 encampments, not shelters.

22 Q (BY MS. STILLMAN) Would it surprise you to
23 hear that some people find encampments safer than
24 shelters?

25 MS. PIERCE: Objection. Vague, compound,

1 calls for speculation.

2 A. It would not surprise me that people would
3 make such a statement.

4 I'm going to add that people may not be
5 the best judge of risk. There are plenty of people
6 who will tell me that vaccination is more dangerous
7 than the -- than the diseases it's intended to
8 prevent. I personally don't believe that.

9 Q (BY MS. STILLMAN) Do you think you're a
10 better judge of what a safe situation for a person
11 experiencing homelessness is than that person
12 themselves?

13 MS. PIERCE: Objection. Misstates the
14 witness's testimony.

15 A. I believe that sexual assaults on
16 minor-aged children are a real problem, and that's
17 what I have seen reporting occurring in encampment
18 settings.

19 MS. STILLMAN: Christine, could you reread
20 my question?

21 (Whereupon, the court reporter read back
22 the requested portion of the record.)

23 MS. PIERCE: Same objection.

24 Are you repeating your question?

25 MS. STILLMAN: Yes.

1 MS. PIERCE: Then asked and answered, too.

2 A. People make risk judgments in their own
3 life. And they get to do so, whether it's around
4 vaccination or, indeed, encampments. And we
5 disagree about things.

6 I am not claiming to be a better judge of
7 things than other people. I am reporting what I
8 have heard and what we have seen people go through
9 over the last few years in encampments: Homicides,
10 infectious disease outbreaks, the fire at
11 Hiawatha/Franklin -- it was a miracle nobody died --
12 overdoses.

13 And at the same time we have been funding
14 shelters. And, yes we have responded to occasional
15 grievances raised. And, yes, I have worked closely
16 with the Street Voices of Change group on the
17 experiences that they had historically had in
18 shelter, and, indeed, as -- as other things arose.

19 I -- across the six years that I've been
20 here, six and a bit years, the two do not compare in
21 terms of the level of danger and the -- the truly
22 awful outcomes that we have seen emerge from, in
23 particular, large encampments, in my opinion.

24 MS. STILLMAN: Can we take a quick break?

25 MS. PIERCE: Yeah. Do you want to take

1 your 10 right now?

2 MS. STILLMAN: Yeah.

3 MS. PIERCE: Okay. Absolutely.

4 THE VIDEOGRAPHER: We are going off the
5 record at 3:46 p.m.

6 (Whereupon, a recess was taken.)

7 THE VIDEOGRAPHER: We're back on the
8 record at 4 p.m.

9 MS. STILLMAN: I'm introducing document
10 that's been Bates stamped ZACAH0005105 as
11 Exhibit 216.

12 (Deposition Exhibit Number 216 marked for
13 identification.)

14 Q (BY MS. STILLMAN) And did you want to take
15 a moment to look over this document, Mr. Hewitt?

16 A. Yeah. Please give me a minute.

17 Q. Okay.

18 A. Thank you.

19 (Discussion held off the record.)

20 A. Okay.

21 Q. You became aware that ZACAH contracted
22 with Start Today Hennepin to provide housing
23 services, correct?

24 MS. PIERCE: Objection. Misstates the
25 document.

1 A. I can see in this document and in my
2 response to Nolan, I think it is, that we had had a
3 conversation with DHS through which an understanding
4 had been achieved that they had funded housing
5 navigators through that OEO program.

6 That's my read of this, and that vaguely
7 rings a bell.

8 Q (BY MS. STILLMAN) And you intervened to
9 stop Start Today Hennepin from working with ZACAH,
10 correct?

11 MS. PIERCE: Objection. Misstates the
12 record, argumentative.

13 A. Yeah. That's not at all how I would
14 describe this.

15 As you'll see, if I can refer to the
16 document, in the top paragraph on the second page,
17 We are very clear that, to the extent that they have
18 new funding from DHS through housing navigation, we
19 are pleased that there are people there to provide
20 that help.

21 Where the issue was, for us, and as
22 described in this email, was the assumption that had
23 been made that that would automatically allow their
24 clients to jump the queue of that equitable,
25 transparent process that I described earlier on.

1 Q (BY MS. STILLMAN) Did you contact anybody
2 at Start Today Hennepin about their work with ZACAH?

3 A. To the best of my recollection, it was
4 other folks from my team who oversee the housing
5 support agreements and the compliance and monitoring
6 of those who had a conversation with Start Today
7 about the program.

8 And to the best of my recollection, what
9 they did was remind Start Today of the existing
10 parameters of the existing housing support agreement
11 they had in place. We certainly would not have
12 provided direction with regards to a new program
13 that was being funded independently of our existing
14 programs.

15 Q. You were told Start Today Hennepin hired
16 additional staff, correct?

17 MS. PIERCE: Objection. You mean in this
18 email?

19 Q (BY MS. STILLMAN) At some point in -- at
20 some point.

21 A. So I believe what I see from this email
22 and the -- the interaction contained within was that
23 we understood from a conversation with DHS that
24 OEO -- the Office of Economic Opportunity, if you
25 were wondering -- provided funding for housing

1 navigators, and that was additional but separate to
2 the existing Start Today permanent supportive
3 housing program that was operating through a housing
4 support agreement with Hennepin County.

5 And, again, the existence of those
6 navigators did not mean that this other program that
7 Start Today were operating that was an existing
8 program under an agreement with Hennepin County
9 would now -- was now kind of no longer required to
10 pursue equity and should allow these clients on this
11 other side of their work to jump the queue.

12 Q. Is it true that Start Today Hennepin staff
13 could have helped place people experiencing
14 homelessness helped by ZACAH into housing outside of
15 the Coordinated Entry System?

16 MS. PIERCE: Objection. Vague, compound,
17 incomplete hypothetical, calls for speculation,
18 foundation.

19 A. The scattered site permanent supportive
20 housing program that Start Today operated under the
21 housing support agreement with Hennepin County
22 requires that referrals to that program come through
23 the Coordinated Entry System in order to ensure that
24 that scarce resource is allocated on the basis of
25 transparent, consistent and equitable priorities,

1 such as those I've described through the -- the day:
2 Veteran status, disability status, length of time
3 homeless, medical fragility.

4 There is no provision in that housing
5 support agreement that says Start -- the -- for
6 ZACAH simply to jump the queue and place whoever
7 they happen to be interacting with into those
8 program openings, denying access to those veterans
9 with disabilities, who have been homeless longer, or
10 who are more medically fragile.

11 Q (BY MS. STILLMAN) But that's, I thought --
12 my understanding, based on what you said earlier,
13 was that Start Today Hennepin had to go through
14 Coordinated Entry -- the Coordinated Entry System
15 for individuals they were funding through Hennepin
16 County dollars. Correct?

17 A. The housing support program is an
18 agreement with Hennepin County. The dollars
19 originate with the Department of Human Services, but
20 there has to be an agreement with Hennepin County,
21 and we are responsible for the compliance and
22 monitoring.

23 And, yes, that program is required to take
24 referrals through that Coordinated Entry System. It
25 is not something that's -- that a provider can --

1 can simply dismiss that prioritization, dismiss
2 equity, and say, Well, I know this guy over here and
3 I'm going to work with him instead, because that
4 denies access to the people who have been
5 prioritized and keeps them homeless.

6 Q. But Start Today Hennepin is an independent
7 organization, correct?

8 MS. PIERCE: Objection. Foundation.

9 A. Start Today is an independent
10 organization. When they, like other agencies, enter
11 into funding agreements with public entities, such
12 as Hennepin County, it is typical for those
13 agreements to come with requirements to ensure that
14 the service delivered aligns with our priorities.

15 Q (BY MS. STILLMAN) So does that mean
16 Hennepin County had the authority to block Start
17 Today's efforts to work with ZACAH?

18 MS. PIERCE: Objection. Foundation,
19 misstates the record, argumentative.

20 A. Start Today were entirely free to work
21 with ZACAH, and indeed did through this DHS OEO
22 grant.

23 And as far as the activities of that DHS
24 OEO grant go, I don't have knowledge of what they
25 are. We were not involved in them.

1 But to the extent that they wanted to
2 leverage that activity to be able to disregard
3 commitments and requirements of existing programs,
4 such as the permanent supportive housing program
5 funded through the housing support agreement with
6 Hennepin County, that -- that doesn't follow. There
7 was never dispensation given to Start Today to
8 abandon their commitment to equity, consistency and
9 transparency in order to prioritize the people that
10 ZACAH were handpicking over and above veterans,
11 people with disabilities, those with the longest
12 experiences of homelessness.

13 Q (BY MS. STILLMAN) How do you know who the
14 individuals who ZACAH was handpicking were?

15 MS. PIERCE: Objection. Misstates the
16 witness's testimony.

17 A. As I've said earlier, we do not. And that
18 becomes part of the question here, of course: On
19 what basis are these people being put to the top of
20 the queue ahead of veterans, people with
21 disabilities, and those with the longest experience
22 of homelessness?

23 I mean, if it's helpful for me to restate
24 something about the Coordinated Entry System, there
25 is a managing of scarcity here. So when one person

1 gets provided with that resource, it denies it to
2 somebody else.

3 Q. So if you look at page 3 -- well, if you
4 look at page 2 on the bottom, there is an email from
5 Nolan Ferlic to you, Donald Ryan, Katelyn Warburton,
6 Andrea Simonett, and Jeremy Galley, dated January 6,
7 2021, correct?

8 A. Yep. Appears to be.

9 Q. And then if you go to the next page, in
10 the body of that email, in the third paragraph,
11 third sentence -- fourth sentence, Nolan writes, By
12 contracting with Start Today Hennepin and utilizing
13 ESP-CV funding for a partnership, this process
14 created housing placements which would otherwise be
15 nonexistent in Hennepin County's system.
16 Additionally, the vast majority of individuals who
17 access Housing Support through Start Today Hennepin
18 were unsheltered in parks throughout Minneapolis.

19 Do you disagree that, by contracting with
20 Start Today Hennepin and utilizing ESP-CV funding
21 for a partnership, that process created housing
22 placements which would have otherwise been
23 nonexistent in Hennepin County?

24 MS. PIERCE: Objection. Foundation.

25 A. I mean, interestingly enough, if you'll

1 indulge me here, I think I've responded to this in
2 the front page of this piece of -- of documentation.
3 I call out that specific assertion made in -- in the
4 prior email. And my response is that the Start
5 Today long-term homeless housing support program is
6 an existing program. The number of clients they can
7 work with is constrained by staffing, management,
8 the housing market, and other factors.

9 It is not my understanding that they have
10 staff available for this project that do not have
11 other duties at this time, nor that there is excess
12 housing available such that taking on clients from
13 outside an equitable, transparent referral process
14 will have no impact on their ability to serve the
15 same number of clients from that equitable,
16 consistent referral process.

17 Q (BY MS. STILLMAN) So you wrote, It is not
18 my understanding that they have staff available for
19 this project.

20 Correct?

21 MS. PIERCE: That's what he just -- well,
22 asked and answered.

23 A. What I said is, it is not my understanding
24 that they have staff available for this project that
25 do not have other duties at this time, nor that

1 there is excess housing available, et cetera,
2 et cetera, that I just stated.

3 Q (BY MS. STILLMAN) Were you aware of the
4 additional staffing that Start Today hired for --
5 with this funding for this project?

6 MS. PIERCE: Objection. Misstates the
7 document, and asked and answered.

8 A. In the final paragraph of my email I
9 state, In our conversation with DHS, Department of
10 Human Services, it was my understanding that the
11 partnership funded through DHS OEO was for housing
12 navigators and did not include a guarantee of
13 priority for other existing housing programs,
14 irrespective of those programs' existing
15 requirements, such as the requirement they take the
16 referrals through an equitable, consistent,
17 community-wide process. We are pleased for there to
18 be more people helping folks navigate the housing
19 that is available to them.

20 Q (BY MS. STILLMAN) Is staffing a capacity a
21 concern at multiple entities with which Hennepin
22 County contracts to participate in the Coordinated
23 Entry System?

24 MS. PIERCE: Objection. Vague, compound,
25 confusing.

1 A. As I shared earlier on, we work with about
2 50 agencies, 150 different programs. Staffing
3 capacity is a constraint of those programs. How
4 much can any member of staff do? But if you can be
5 more specific, perhaps I can -- I can provide more.

6 Q (BY MS. STILLMAN) In 2020 did participants
7 of the -- or participants in the long-term homeless
8 housing support program generally have a staffing --
9 issues with staffing capacity?

10 MS. PIERCE: Can I have the question read
11 back, please?

12 (Whereupon, the court reporter read back
13 the requested portion of the record.)

14 MS. PIERCE: Participants as in
15 individuals or as in organizations?

16 MS. STILLMAN: Organizations.

17 MS. PIERCE: Then vague, compound,
18 foundation.

19 A. Hmm. I'm trying to cast my mind back to
20 2020 here.

21 It's true that, today, of course, there
22 staffing issues are impacting a number of programs.

23 In 2020 I'm trying to remember if the
24 pandemic had a particular impact on staffing of
25 these programs. I do not recall there being a

1 special challenge, one that kind of rose to concern
2 above many other concerns at the time.

3 But, as I say, it's always a constraint.
4 You only have so many people. They can only do so
5 much. They can only work with so many people.
6 That's why we have that process to ensure that we're
7 allocating those resources in a way that is
8 effective, efficient, and equitable.

9 Q (BY MS. STILLMAN) If the Start Today
10 Hennepin housing navigators worked with ZACAH, could
11 those navigators still do an assessment for
12 Coordinated Entry?

13 MS. PIERCE: Objection. Vague, incomplete
14 hypothetical, assumes facts not in evidence, calls
15 for speculation, foundation.

16 A. Again, if you'll indulge me, there was
17 this first question that Nolan posed around
18 guarantees for individuals to get connected to the
19 Coordinated Entry System. And what I've said in
20 response to that is the same work that's from
21 St. Stephen's and People's, Inc., that you
22 reference, or for that matter anyone with an HMIS,
23 Housing Management Information System, license,
24 which includes staff at most homeless agencies, can
25 look this up on their behalf.

1 With regards to the assessment, again,
2 these agencies I'm referring, St. Stephen's and
3 People, Inc., can carry out assessments. If Start
4 Today, hiring their new housing navigators, wished
5 for them to become coordinated entry assessors,
6 there would be a process by which they would apply
7 for that assessment access, go through a training.

8 I do not recall if they did. I wouldn't
9 have been aware if they did, in all likelihood.

10 Q (BY MS. STILLMAN) If you look at Nolan's
11 email on page 3, the fourth paragraph, Nolan writes,
12 Further, under DHS guidelines and State statute,
13 direct access to LTH supportive housing outside of
14 the HUD CES system is permissible.

15 Do you agree with that statement?

16 MS. PIERCE: Objection. Foundation.

17 A. The DHS guidelines and State statute has
18 undergone some modifications in recent years, so
19 I -- to -- to look at exactly what it said at this
20 point in time, I would have to go back.

21 I mean, I'll highlight, of course, that
22 the next line is, It is the jurisdiction of the
23 County and DHS to approve the process.

24 And we believe in an equitable,
25 transparent, consistent process by which these

1 scarce resources should be allocated to people based
2 on veteran status, disability status, length of time
3 homeless.

4 MS. PIERCE: I'll add to my previous
5 objection that that called for a legal conclusion,
6 too.

7 MS. STILLMAN: I'm done with that
8 document.

9 I'm marking document that's been Bates
10 stamped MPLS_BERRY059616 as Exhibit Number 217.

11 (Discussion off the record.)

12 (Deposition Exhibit Number 217 marked for
13 identification.)

14 Q (BY MS. STILLMAN) And this is an email
15 from Erin Wixsten to Katie Topinka, Maikao Vue, and
16 you, dated April 23rd of 2021, correct?

17 A. Appears to be. Yep.

18 MS. PIERCE: Counsel, do you have the
19 attachments to this document?

20 MS. STILLMAN: I'm about to produce them.

21 MS. PIERCE: Okay. All of them?

22 MS. STILLMAN: I have the Bates stamps
23 number for two that I'm not using.

24 MS. PIERCE: We would strongly prefer any
25 document being presented to him as the complete

1 document. So I'm going to put a continuing
2 objection on the record to his answering any
3 questions when you won't show him a complete
4 document.

5 MS. STILLMAN: I am marking
6 MPLS_BERRY059617 as Exhibit Number 218.

7 (Deposition Exhibit Number 218 marked for
8 identification.)

9 MS. STILLMAN: Marking document Bates
10 stamped MPLS_BERRY059627 as Exhibit 219.

11 (Deposition Exhibit Number 219 marked for
12 identification.)

13 MS. PIERCE: Is this related to the
14 document we're seeing, or is it a new -- is it --

15 MS. STILLMAN: No. These are -- both of
16 the exhibits have -- are attachments to the
17 document.

18 MS. PIERCE: Thank you.

19 So just to be clear, we have the two --
20 from the -- from the originating email, we have the
21 two documents but not the Excel sheet; is that
22 right?

23 MS. STILLMAN: Not the Excel spreadsheet.

24 MS. PIERCE: Okay. So, I -- I mean, I --
25 I'll note our continuing objection, but I just

1 wanted to be clear about what was not there.

2 MS. ENSLIN: I just would note on the
3 record, too, it looks like there's two Excel
4 spreadsheets that should be -- that are also
5 attachments to this, so --

6 MS. PIERCE: Oh, good call. Thank you.
7 I -- I saw only one. But Ms. Enslin is right.
8 There's two missing spreadsheets.

9 So note our continuing objection to the
10 use of these documents as incomplete, and so unfair
11 to ask the witness about.

12 Q (BY MS. STILLMAN) Erin Wixsten works for
13 Housing Stability, correct?

14 MS. PIERCE: Objection. Asked and
15 answered.

16 A. That is correct.

17 Q (BY MS. STILLMAN) Why is Housing Stability
18 working with the City of Minneapolis to develop a
19 policy on street outreach and responding to
20 encampments?

21 MS. PIERCE: Objection. Misstates the
22 documents and the record, foundation.

23 MS. ENSLIN: Also, objection, vague.

24 A. So what I see here from April of 2021 is
25 an exchange of documents between Erin Wixsten and

1 the people we work with at the City of Minneapolis.
2 I -- I don't recognize the description that you just
3 provided, though.

4 Q (BY MS. STILLMAN) If you go to the next
5 document that's been marked as Exhibit 218.

6 A. Okay.

7 Q. Which I'll represent is an attachment to
8 Exhibit 217, at the bottom of the first page, on the
9 left side of page 1 of 8, it says, Street Outreach
10 and Responding to Encampments 4.16.21.

11 Do you see that?

12 A. I do.

13 Q. Why was Housing Stability working with --
14 Well, I'm going to start a new question.

15 Do you see, in the middle of page 1, it
16 says, The Role of Street Outreach in a Community's
17 Response to an Encampment?

18 A. I do.

19 Q. Why was Housing Stability working with the
20 City of Minneapolis to create a document about the
21 role of street outreach in a community's response to
22 an encampment?

23 MS. PIERCE: Objection. Misstates the
24 document and the context, vague, foundation, and
25 calls for speculation.

1 A. Hennepin County, and the Housing Stability
2 area specifically, and more specifically Erin
3 Wixsten, subject matter experts on working with
4 people experiencing homelessness, the City of
5 Minneapolis is the recipient of Emergency Solution
6 Grant funding from the federal government, the
7 department of HUD, which is used to fund street
8 outreach within the City of Minneapolis.

9 So we have a long-standing coordination
10 around providing our subject matter expertise to the
11 City as they contract for those street outreach
12 functions.

13 Erin Wixsten, if I remember correctly,
14 we're talking kind of her first month in the role
15 here. I see her referencing to CSH resources.
16 That's the Corporation for Supportive Housing, for
17 what it's worth.

18 Erin was coming from a background of, as I
19 mentioned earlier, HUD technical assistance. So she
20 was coming into a space, looking to make herself
21 useful, drawing on the expertise that she had in
22 other spaces, sharing that expertise with our
23 partners who contract for street outreach.

24 Q (BY MS. STILLMAN) In addition to the City
25 of Minneapolis, did Housing Stability work on a

1 document about the role of street outreach in a
2 community's response to an encampment with any other
3 entities?

4 MS. PIERCE: Objection. Misstates the
5 document and the witness's testimony, foundation,
6 calls for speculation.

7 A. I do not recall, looking at this specific
8 document, other parties being involved in its
9 development. But I also don't have a very clear
10 memory of this specific document to start with.

11 Q (BY MS. STILLMAN) Is your practice -- Is
12 it your practice to read emails from Erin Wixsten?

13 MS. PIERCE: Objection. Asked and
14 answered.

15 A. It is my practice to receive emails that
16 I -- to read emails that I receive from Erin and
17 others.

18 Q (BY MS. STILLMAN) Is it your practice to
19 read the attachments to emails that you receive?

20 MS. PIERCE: Objection. Asked and
21 answered and -- and at this point irrelevant.

22 A. In most cases, yes. The depth with which
23 I read them will depend on the perceived importance
24 of them and the importance of my input or feedback.

25 As I've said, I receive literally hundreds

1 of emails and hundreds of attachments every week.

2 Q (BY MS. STILLMAN) Why was this document
3 created?

4 MS. PIERCE: Objection. Foundation.

5 A. So I have already speculated, which,
6 frankly, I am not hugely comfortable doing, so I'm
7 trying to cast my mind back to how Erin was
8 approaching the first few weeks in the job.

9 As I've already said, she had expertise.
10 She was bringing it to bear. She was trying to
11 formulate thoughts on how best to organize a
12 response on unsheltered homelessness.

13 MS. PIERCE: Also, I'll indicate for the
14 record that there's no indication of who the author
15 of Exhibit 218 is, or 219, for that matter.

16 Q (BY MS. STILLMAN) Is there a final version
17 of this document?

18 MS. PIERCE: Objection. Foundation, calls
19 for speculation.

20 A. Not to the best of my knowledge.

21 Q (BY MS. STILLMAN) If you go to page 3,
22 there is a chart with an encampment-wide assessment.

23 Does Hennepin County use any sort of chart
24 like this when assessing encampments?

25 MS. PIERCE: Objection. Vague.

1 A. No. If my memory on this serves
2 correctly -- because I do remember Erin sharing this
3 with me. Whether it was in this document or
4 elsewhere, I don't recall. But I believe this was
5 lifted from a good practice guidance that she had
6 seen elsewhere.

7 But, no, we have not, to the best of my
8 knowledge, implemented a chart that looks like this.

9 Q (BY MS. STILLMAN) If you go to page 5, the
10 bottom says, Trauma Informed. A trauma informed,
11 person-centered approach ensures that consumers are
12 engaged in the process and do not feel like the
13 support is being done to them. It also ensures that
14 all services and interventions intentionally resist
15 processes that exacerbate homelessness, abuse,
16 neglect, exploitation, or that may in any way
17 retraumatize them. All processes related to
18 responding to encampments will be viewed through a
19 trauma-informed lens.

20 In your opinion, can an encampment closure
21 be traumatizing for a resident of the encampment?

22 MS. PIERCE: Objection. Vague, compound,
23 calls for speculation, incomplete hypothetical.
24 Also calls for expert testimony.

25 A. And I will add once more that I was not

1 personally present at encampment closures.

2 Q (BY MS. STILLMAN) So you don't know?

3 MS. PIERCE: Objection. Same objections.

4 A. Would you repeat the question?

5 THE WITNESS: Oh, sorry. Can I get the
6 question repeated?

7 MS. STILLMAN: Christine, can you read the
8 question back?

9 (Whereupon, the court reporter read back
10 the requested portion of the record.)

11 MS. PIERCE: Same objections.

12 A. Yeah. I mean, this is calling for me to
13 speculate individual experiences. I will say that,
14 to this document -- and, actually, it's now kind of
15 strategic plan for my area -- that, yes, we believe
16 in taking a trauma lens in all of our work.

17 Q (BY MS. STILLMAN) Do you attend meetings
18 with employees of the City of Minneapolis to discuss
19 the closure of homeless encampments in Hennepin
20 County?

21 MS. PIERCE: Objection. Asked and
22 answered, vague, compound.

23 A. I've already referenced the sheer number
24 of meetings that I attend. Yes, some of them
25 include employees of the City of Minneapolis.

1 As I've already referenced, encampments is
2 a subject that comes up in some -- not all spaces,
3 not relevant in all spaces. Encampment closures in
4 one way, shape or form is a subject that may have
5 come up in some of those meetings over whatever
6 period of time we're talking about.

7 Q (BY MS. STILLMAN) In any of these meetings
8 in which encampments are discussed, has there been a
9 discussion about how closing encampments might be
10 traumatizing for the residents?

11 MS. PIERCE: Can I have that question read
12 back, please?

13 (Whereupon, the court reporter read back
14 the requested portion of the record.)

15 MS. PIERCE: Same objections.

16 A. I am speculating about hundreds of
17 meetings. And as I said, we do bring a trauma lens
18 to our work. So whether the closure, or indeed any
19 other aspect of encampment, then, yes, a potential
20 discussion of trauma could potentially be a part of
21 a discussion. But as you can tell by the amount of
22 times I'm saying "potentially," I'm kind of
23 speculating here over a huge universe of meetings
24 that we could be talking about.

25 Q (BY MS. STILLMAN) Are you consulted by

1 City employees about how to close an encampment on
2 Hennepin County property -- or in Hennepin County?
3 Sorry.

4 MS. PIERCE: Objection. Vague, time
5 period. So compound.

6 A. So I would say that we are consulted as
7 subject matter experts on homelessness around
8 encampment issues and other homelessness issues.

9 Again, I feel like I'm getting drawn into
10 speculation over a huge -- multi-years, thousands of
11 potential meetings. So can you be a bit more
12 specific?

13 Q (BY MS. STILLMAN) Yeah. Has anybody from
14 the City of Minneapolis consulted you -- did anyone
15 from the City of Minneapolis consult you about how
16 to close an encampment in 2021?

17 MS. PIERCE: In 2021?

18 MS. STILLMAN: 2021.

19 MS. PIERCE: Objection. Vague, compound.

20 A. Yeah. And I'm struggling with the
21 language of consulting me on how to close.

22 To be clear, I work in Human Services, and
23 that's not the work of my team. My team do not
24 close encampments. They provide Human Services to
25 people, including people who may be staying in

1 encampments.

2 We may be able to bring expertise in terms
3 of what that can look like leading up to and on the
4 day of closure, but we would not provide guidance on
5 how to close. That is not our area of -- of
6 expertise or our remit.

7 Q (BY MS. STILLMAN) Has -- in -- we'll go
8 with, in 2020, did anybody from the City of
9 Minneapolis consult you about Human Services
10 expertise in closing encampments?

11 MS. PIERCE: Objection. Vague, time
12 frame, compound.

13 A. As Human Services, we do not have
14 expertise in closing encampments per se.

15 Were we consulted around human service
16 aspects of working with people in encampments? I
17 would imagine so.

18 Q (BY MS. STILLMAN) What do you consider
19 human service aspects of working with people in
20 encampments?

21 A. Connections to shelter, connections to
22 housing. Those are the big two, frankly.

23 Q. Anything else that you can think of?

24 A. As I said earlier, if you expand out to
25 consider kind of outreach services, then basic

1 needs: Providing water, socks, transportation, you
2 know, assisting with communication back to family
3 members. It can look very different. It's a
4 person-centered business.

5 Q. Did you provide advice on any of those
6 Human Services-related activities within encampments
7 to anybody from the City of Minneapolis in 2020?

8 MS. PIERCE: Objection. Vague, compound.

9 A. I imagine what I -- and, again, even the
10 fact that I'm saying "I imagine" tells us that
11 we're -- I'm kind of speculating as to what meetings
12 I might have been in two, three years ago and what
13 might have been discussed and how I might have
14 approached it.

15 But following that thread, the most likely
16 content that I would be providing in a meeting of
17 that ilk would be about how to use the Adult Shelter
18 Connect to access shelter beds, make reservations on
19 people's behalf in the lead-up to and at the point
20 of any activity around encampment, as an example,
21 the most obvious one that leaps to my mind.

22 Q (BY MS. STILLMAN) Did you advise anybody
23 from the City of Minneapolis about what Human
24 Services should be provided at the closure of an
25 encampment in 2021?

1 MS. PIERCE: Objection. Asked and
2 answered, vague, compound.

3 A. Yeah. That -- that's not a description
4 of -- of my activity in 2021 that I recognize.

5 I mean, again, we would advise on how to
6 connect people to shelter. We might talk about the
7 role of outreach teams in advance of any kind of
8 closure event and -- and activities that could be
9 there. But, again, I -- yeah. I'm speculating a
10 little bit.

11 Q. (BY MS. STILLMAN) Were you consulted by
12 anybody from the MPRB about how to close an
13 encampment in 2020?

14 MS. PIERCE: Objection. Vague, compound.

15 A. We would not be consulted on how to close
16 an encampment. That's not our area of expertise.

17 We might provide information on
18 connections to shelter, how to access shelter and
19 work with outreach, those kind of human service
20 pieces that I've already described.

21 Q (BY MS. STILLMAN) Were you consulted by
22 anybody in the MPRB about those services that you
23 just described in 2020?

24 MS. PIERCE: Objection. Vague, compound.

25 A. In all likelihood -- I mean, I'm pretty

1 sure, yes. I'm trying to think of exact
2 conversations.

3 But, yes, I mean, if -- if we're talking
4 about, like, how to access shelter, you know, the
5 Adult Shelter Connect number, here are the -- here's
6 how to make that phone call and here's what they
7 offer, yes, I surely would have provided that to --
8 to people who work for MPRB or one of my colleagues
9 would have done that.

10 Q (BY MS. STILLMAN) I'm going to go to a
11 document that's been marked as Exhibit 2019 -- or
12 219 -- sorry -- that's titled Necessary Entities in
13 Responding to Encampments. And I'll represent that
14 this is also an attachment to the email that's been
15 marked as Exhibit 217.

16 So on the first page of this document, in
17 the fifth row, it says, Street Outreach Service
18 Providers.

19 Is it your understanding that street
20 outreach providers lead case planning with
21 encampment occupants to focus on housing and other
22 service options?

23 MS. PIERCE: Objection. Vague,
24 foundation.

25 A. So it would be our -- so it is a function

1 of street outreach, as I've mentioned earlier, to
2 potentially conduct Coordinated Entry assessments.
3 It would be our hope that they work with people to
4 find safer alternatives, recognizing that they have
5 other duties around basic needs as well.

6 I mean, this description in this document,
7 to my eye, is likely pulled from perhaps the
8 Corporation for Supportive Housing, or HUD, or
9 adapted from something like that. It looks more of
10 a -- kind of a theoretical document that can kinda
11 be taken and considered for any community, rather
12 than a -- kind of a literal description of Hennepin
13 County.

14 Q (BY MS. STILLMAN) Go to page 4.

15 A. Yep.

16 Q. The third row says, Addiction Specialists
17 and Harm Reduction Worker.

18 Do you think it's -- in your opinion,
19 should harm reduction workers be present at homeless
20 encampment closures in Hennepin County?

21 MS. PIERCE: Objection. Misstates the
22 document, misstates the record, incomplete
23 hypothetical, calls for speculation, expert
24 testimony, vague, foundation.

25 A. And I will add that the kind of services

1 being described in this section of this document are
2 not services that fall under the Housing Stability
3 area. This would be through public health
4 colleagues.

5 With regards to, should these services be
6 present at closure, I think that would very much
7 depend on what the closure was going to look like.
8 I can see a lot of reasons why that wouldn't be the
9 case.

10 Q (BY MS. STILLMAN) Do you think it's
11 important that people experiencing homelessness have
12 access to harm reduction resources?

13 MS. PIERCE: Objection. Vague,
14 foundation, calls for expert testimony, incomplete
15 hypothetical, calls for speculation.

16 A. And, obviously, a couple of things on
17 that, which I -- I like to make sure I'm -- I'm
18 framing this issue appropriately, which is that the
19 vast majority of people struggling with chemical
20 dependency are not experiencing homelessness, and
21 the vast majority of people experiencing
22 homelessness are not struggling with chemical
23 dependency.

24 So, no, I do not think it is a given that
25 people experiencing homelessness need harm reduction

1 services, because I do not think it is a given that
2 they are struggling with chemical dependency.

3 Q (BY MS. STILLMAN) I didn't say that
4 everybody who is experiencing homelessness is
5 experiencing chemical dependency.

6 I'm asking if harm reduction resources --
7 if it's important for harm reduction resources to be
8 available to people experiencing homelessness.

9 MS. PIERCE: Objection. Vague, incomplete
10 hypothetical, calls for speculation, calls for
11 expert testimony, asked and answered.

12 A. I can imagine instances when harm
13 reduction services are appropriate, and I can
14 imagine instances when they are not, because not
15 everybody experiencing homelessness needs harm
16 reduction services, because not everybody
17 experiencing homelessness is struggling with
18 chemical dependency. Indeed, the vast majority are
19 not.

20 Q (BY MS. STILLMAN) The fifth row down says,
21 Lawyers. And, Providing legal representation to
22 encampment occupants for encampment or other related
23 matters that may be preventing the encampment
24 occupant from accessing housing.

25 In your opinion, do you believe that

1 people experiencing homelessness should have access
2 to legal representation?

3 MS. PIERCE: Objection. Calls for
4 speculation, incomplete hypothetical, vague, calls
5 for expert testimony, foundation.

6 A. We have a really fruitful partnership with
7 internal colleagues within Hennepin County to
8 support people where legal barriers are getting in
9 the way of housing outcomes. So in those instances
10 and for that purpose, yes, I think there can be
11 value in terms of helping get people into housing,
12 if there is a barrier that can be overcome.

13 Q (BY MS. STILLMAN) What about for other
14 legal rights that people experiencing homelessness
15 might have?

16 MS. PIERCE: Can I have that question read
17 back, please?

18 (Whereupon, the court reporter read back
19 the requested portion of the record.)

20 MS. PIERCE: Same objections. So,
21 compound, vague, call for expert testimony,
22 incomplete hypothetical, calls for speculation,
23 foundation.

24 MS. ENSLIN: Also, I'm just going to
25 object to the extent that this is a -- represented

1 to be a document about responding to encampments,
2 not about homeless -- responding to homelessness in
3 general.

4 A. And I will add, I do not have a strong
5 opinion with regards to such a broad question about
6 legal representation. I've already described one
7 instance in which we do have a very fruitful
8 partnership.

9 The other, we work very closely with our
10 colleagues in adult representation services to
11 ensure legal representation for households facing
12 eviction in housing court, and believe that's a
13 really valuable service. That's for people who are
14 at risk of homelessness rather than people
15 experiencing homelessness, though.

16 Q (BY MS. STILLMAN) Were you involved in the
17 decision to sweep the Greenway encampment in --

18 MS. PIERCE: Objection -- I'm sorry.

19 Q (BY MS. STILLMAN) -- December of 2020?

20 MS. PIERCE: Objection to the use of the
21 word "sweep."

22 A. Yeah. I would never describe the activity
23 on the Greenway in those terms.

24 If you are asking me if I was a
25 participant in the decision-making process that led

1 to the closure of the encampment on the Greenway, I
2 was a participant in discussions along those lines,
3 yes.

4 Q (BY MS. STILLMAN) Who else participated in
5 those discussions?

6 A. To the best of my recollection, County
7 administration, the Regional Railroad Authority, and
8 sheriff's office.

9 Q. Did Michael Herzing participate in those
10 conversations?

11 A. So I would have been reporting to Michael
12 Herzing at that time. I might have -- I -- I don't
13 recall if he was in those meetings or part of those
14 discussions.

15 Q. Who is county administration?

16 A. As shared earlier, the county
17 administrator, David Hough. But when I talk about
18 administration more broadly, I'm including in
19 this -- in this instance, but I do not know actually
20 if -- if Jodi was part of those discussions, but
21 Jodi is the deputy county administrator. Lisa
22 Cerne, the -- the assistant county administrator, I
23 think --

24 THE WITNESS: Lisa, please, I hope I got
25 your job title right.

1 A. -- would have been part of those
2 discussions, because the Regional Railroad Authority
3 was such a crucial part.

4 Q. (BY MS. STILLMAN) As the county
5 administrator, is David Hough the person who adopts
6 the policies in the administrative manual we
7 discussed at the beginning of your deposition?

8 MS. PIERCE: Objection. Vague,
9 foundation.

10 A. I -- I'm not 100 percent sure of the exact
11 process through which adoption occurs within that
12 manual.

13 Q (BY MS. STILLMAN) I think I forgot to ask
14 this earlier. You reported to Michael Herzing in
15 2020, correct?

16 A. Correct.

17 Q. What was Michael Herzing's role in 2020?

18 MS. PIERCE: Objection. Vague.

19 A. Michael Herzing was a director in the
20 Human Services Department. In addition to myself,
21 and therefore the Housing Stability area, he had
22 long-term support services, aging and disability
23 services, because he still has both of those now,
24 reporting up to him.

25 Q (BY MS. STILLMAN) Has there been a shift

1 in how those -- like who reports to who within those
2 units, that he still has some of those services
3 report to him and some don't? Sorry.

4 MS. PIERCE: Objection. Vague.

5 A. So in April of 2021, as we discussed way
6 back, my position changed to being a director of
7 Human Services myself, reporting directly to Jodi
8 Wentland.

9 To the best of my knowledge, Mike
10 Herzing's portfolio today looks not dissimilar to
11 the way it looked in 2020, absent the Housing
12 Stability area portfolio, which is now separated out
13 and led by me.

14 Q (BY MS. STILLMAN) Did you have --

15 A. And I'm sure there have been changes
16 within his area. It's a big area. Things change.

17 Q. Sure. Did you have to apply for the
18 position of director of Housing Stability?

19 A. This is a position in which the
20 administrator makes a recommendation to the board of
21 commissioners, who then approve or do not.

22 Q. So David Hough recommended you for the
23 position?

24 A. Correct.

25 Q. Okay. What was discussed in those

1 conversations about the decision to sweep the
2 Greenway encampment in December of 2020?

3 MS. PIERCE: Objection as to the use of
4 the word "sweep", and compound and vague.

5 A. Yeah. I would not characterize
6 discussions in the way that you just did.

7 With regards to meetings in which the
8 eventual closure of the encampment on the Greenway
9 were being discussed, the kinds of matters being
10 discussed were a lot around health and safety
11 concerns, mitigating those concerns, and working
12 towards an orderly transition, and ultimately
13 closure.

14 Q (BY MS. STILLMAN) Did you discuss if
15 residents should be given a notice of the closure?

16 MS. PIERCE: Objection. Vague as to the
17 use of the word resident and notice.

18 A. Yeah. I wouldn't describe things thus.

19 But -- but part of our discussion was
20 about what information we were -- we would be able
21 to share in order to give people that clarity to --
22 to make informed decisions and how to best do that,
23 yes.

24 Q (BY MS. STILLMAN) Why did you want to give
25 the people staying in the Greenway encampment that

1 clarity?

2 A. I think, as I shared rather many hours
3 ago, I think clarity is -- is helpful when it can be
4 provided, so that people can make good decisions,
5 based on having more information, about what
6 their -- their options look like.

7 Q. Did you discuss storing the residents'
8 property?

9 MS. PIERCE: Objection. Vague and calls
10 for a legal conclusion as to the definition of the
11 word property.

12 A. I wouldn't describe it thus. And, yes, we
13 did discuss ways in which storage could be offered
14 for -- for certain belongings.

15 Q (BY MS. STILLMAN) Did you offer storage?

16 MS. PIERCE: Objection. Vague as to the
17 definition of the word storage.

18 A. And to the "you" -- so, again, I was not
19 present at encampment closures, including the
20 activity on the Greenway leading up to or on the day
21 of. But working closely with both Don Ryan from my
22 team and our colleagues in the Regional Railroad
23 Authority, yes, there was a concrete plan to ensure
24 that people who had belongings they wanted preserved
25 and were not able to store or take with them

1 themselves, that we would be able to provide them
2 with some storage capacity.

3 Q (BY MS. STILLMAN) Do you know if that plan
4 came to fruition?

5 MS. PIERCE: Objection. Vague.

6 A. I am aware that we did store some
7 belongings on behalf of some people. I do not have
8 intimate knowledge of the details.

9 MS. STILLMAN: Kraig, can we have a time
10 check?

11 (Discussion off the record.)

12 THE VIDEOGRAPHER: Just short of six
13 hours.

14 MS. STILLMAN: Okay. Do you want to take
15 one last break?

16 MS. PIERCE: Sure.

17 THE VIDEOGRAPHER: We are going off the
18 record at 4:56 p.m.

19 (Whereupon, a recess was taken.)

20 THE VIDEOGRAPHER: This is Media Number 6
21 in the deposition of David Hewitt. Today is
22 February 16th, 2023. We're going back on the record
23 at 5:05 p.m.

24 Q (BY MS. STILLMAN) Why were you involved in
25 the discussions about the decision to close the

1 Greenway encampment in December of 2020?

2 A. As the, at the time, senior department
3 administrator of the Housing Stability, I was the --
4 would be considered the subject matter expertise on
5 homelessness.

6 Q. Did you give input about anything to do
7 with the process of how the homeless encampment
8 should be closed?

9 MS. PIERCE: Objection. Vague, and object
10 to the definition of encampment.

11 A. Notwithstanding, I participated in the
12 discussion. I couldn't recall for you exactly which
13 pieces I may have brought to the table as opposed to
14 responded to. But I participated in the
15 discussions.

16 Q (BY MS. STILLMAN) Did you ever express
17 concerns with the plan of how the Greenway was --
18 encampment was going to be closed in December of
19 2020?

20 MS. PIERCE: Objection. Vague, including
21 as to the word concern.

22 A. So as I recall, with regards to
23 discussions around the Greenway encampment, there
24 were -- there were discussions over a period of time
25 related to the health and safety risks and

1 mitigation thereof, leading up to ultimately
2 discussions around closure.

3 Within that discussion -- I mean, I don't
4 recall kind of highlighting a specific concern, but
5 part of the discussion, of course, is, you know,
6 reacting to concepts about how things are going to
7 be done and which are the better or less worse ways
8 of doing things. I would have been part of a
9 discussion like that.

10 Q (BY MS. STILLMAN) What are some of the
11 worst ways of doing things?

12 MS. PIERCE: Objection. Vague.

13 A. With regards to this specific discussion,
14 I really don't recall those -- those specifics.
15 Like I say, I can't even recall what I brought to
16 the table as opposed to what I was reacting to.

17 But some of the pieces that we talked
18 about through that process were, managing the risks
19 from fire; managing the risks of speeding vehicles,
20 which was a real issue down there; a belief that, if
21 we were able to do a better job of managing some of
22 these extreme risks, concerns around trafficking and
23 other pieces that antisocial behavior would reduce,
24 that fewer people would use the Greenway as -- as an
25 encampment site.

1 That did turn out to be the case over
2 time.

3 So a less -- a worse way of doing this
4 would have been to not worry about the fires, not
5 worry about the speeding vehicles, not worry about
6 how to reduce risks over time.

7 Q (BY MS. STILLMAN) What would happen if an
8 encampment was established on the Greenway today?

9 MS. PIERCE: Objection. Foundation, calls
10 for speculation, incomplete hypothetical.

11 A. To the -- so you are asking me to
12 speculate. But, I mean, clearly you're aware of the
13 administrative manual, which we have discussed
14 already, which very clearly states that camping is
15 not permitted on Hennepin County-owned property, and
16 also that we have a person-sensitive approach and
17 how first response would be a Human Services
18 response to help people identify alternative
19 shelter.

20 So that is what would happen. We would be
21 notified, and somebody from my team, in all
22 likelihood, would be out to make contact with people
23 and identify alternatives.

24 Q (BY MS. STILLMAN) Were you consulted in
25 the drafting of the policy regarding people

1 experiencing unsheltered homelessness that's in the
2 administrative manual?

3 MS. PIERCE: Objection. Misstates the
4 policy, and asked and answered this morning.

5 A. I was going to say, I don't think that's
6 the title. The policy in the administrative manual
7 that we've already discussed, as I've already said,
8 I was involved in the discussions around that
9 policy, yes.

10 Q (BY MS. STILLMAN) Who else was involved in
11 those discussions?

12 MS. PIERCE: Objection. Foundation.

13 A. The other people I could recall would be
14 the same people I've highlighted being involved in
15 this discussion around the Greenway, so the Regional
16 Railroad Authority and county administration. I'm
17 actually not sure if it went beyond that, but, I
18 mean, there may have been other parties that had
19 eyes on it outside of my own feedback.

20 Q (BY MS. STILLMAN) What is the title of the
21 policy?

22 A. I can't remember.

23 Q. Is there a way that you refer to the
24 policy?

25 A. It's not something I'm often called on to

1 do outside of this event today, honestly.

2 Q. So if someone were -- or if people were to
3 set up an encampment on the Greenway today, someone
4 from your office would be contacted, correct?

5 MS. PIERCE: Objection. Asked and
6 answered, and incomplete hypothetical, and calls for
7 speculation and foundation.

8 A. Yeah. I mean, I was going to add, yeah,
9 speculation. There are a number of variables that
10 could be in play here. But in a number of
11 circumstances, I can imagine that that would be the
12 response, yes.

13 Q (BY MS. STILLMAN) What if an encampment
14 was set up on the Greenway and the residents didn't
15 want to go to shelter? Would they be removed?

16 MS. PIERCE: Objection. Objection to the
17 meaning of -- the use of the word residents. Vague,
18 foundation, calls for speculation, incomplete
19 hypothetical.

20 A. People would be informed that they would
21 not be able to remain here. In our experience,
22 outside of the events of 2020, that is normally
23 sufficient.

24 Q (BY MS. STILLMAN) What do you mean, that's
25 normally sufficient?

1 A. Generally, if we've been out and made
2 contact -- and I can think of a specific case where
3 this happened last year -- our team goes out, tells
4 people they won't be able to remain here. This
5 wasn't on the Greenway. But in that case, I believe
6 four of the five did accept an offer of shelter.
7 The fifth transported to another site. There were a
8 couple of other people. They were told they
9 wouldn't be able to remain here. When people went
10 back the next day, they had relocated.

11 Q. But that doesn't always happen, right?

12 MS. PIERCE: Objection. Foundation,
13 compound, calls for speculation, incomplete
14 hypothetical.

15 A. I am racking my brain to think of
16 specifics. Like I say, there's a whole number of
17 variables in here. It's reasonable to assume that
18 that may not always happen. But, like I say,
19 that's -- that's pretty much our experience, outside
20 of the events of 2020 and the Greenway, which we're
21 already discussing.

22 Q (BY MS. STILLMAN) Do you know if there are
23 currently any encampments in Hennepin County?

24 MS. PIERCE: Objection.

25 Do you mean on county land or anywhere in

1 Hennepin County?

2 MS. STILLMAN: Anywhere in Hennepin
3 County.

4 MS. PIERCE: Objection. Foundation.

5 A. Within the geographic area of Hennepin
6 County, yes, I am aware that there are encampments.

7 Q (BY MS. STILLMAN) Do you know
8 approximately how many?

9 A. I would be estimating, which I am loath to
10 do, a subject that becomes very contentious when --
11 when numbers start bouncing around, because people
12 have different interpretations of them.

13 My understanding right now would be that I
14 would estimate fewer than a hundred people. And
15 most of the encampments are one, two, three people.
16 Oh, except in that if we're going off your
17 definition of encampments earlier, notwithstanding
18 the living bit that I disagree with, you said two
19 and above, that would reduce the number, because a
20 number of the encampments that I'm thinking of are a
21 single person.

22 Q. Are you aware of any encampments that
23 currently exist on property owned by Hennepin
24 County?

25 MS. PIERCE: Objection to the use of the

1 word encampment. And foundation. Objection.

2 Pardon me.

3 A. I am not aware of any encampment on
4 Hennepin County-managed property as of today, the
5 information I have to date.

6 Q (BY MS. STILLMAN) In -- in 2020 did you
7 ever tell somebody from the MPRB that you had
8 concerns with the way in which a homeless encampment
9 was closed?

10 MS. PIERCE: Objection. Asked and
11 answered, vague, including as to the use of the word
12 encampment and concern.

13 A. I don't recall a conversation that I would
14 describe in that way. And, again, I was not present
15 at any MPRB closure.

16 Q (BY MS. STILLMAN) Have you been at the
17 closures of any encampments in Hennepin County since
18 January 1st of 2020?

19 MS. PIERCE: Objection. Asked and
20 answered. Already testified on that.

21 A. No, I haven't.

22 Q (BY MS. STILLMAN) Are you able to propose
23 policies that -- to be implemented within Hennepin
24 County?

25 MS. PIERCE: Objection. Vague, compound,

1 and by -- and -- and adapted by whom? The board?

2 Well --

3 A. To what kind of policies are you
4 referring?

5 Q (BY MS. STILLMAN) Are you able to propose
6 a policy to be included in the administrative
7 manual?

8 MS. PIERCE: Objection. Vague, compound.

9 A. I never have, nor would I think to do so.
10 I can't imagine the circumstances in which I would
11 do that.

12 Q (BY MS. STILLMAN) Are you able to?

13 MS. PIERCE: Objection. Foundation,
14 vague.

15 A. Having never done so, and never imagined
16 circumstances under which I would wish to do so, I
17 have never tested that, so I do not know.

18 MS. STILLMAN: I have no further
19 questions.

20 MS. PIERCE: Okay. We reserve the right
21 to read and sign. Thanks.

22 THE VIDEOGRAPHER: We are going off the
23 record at 5:18 p.m.

24 (Whereupon, at 5:18 p.m., Thursday,
25 February 16, 2023, the taking of the Deposition of

1 DAVID HEWITT was adjourned.)

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1 STATE OF MINNESOTA:)

) ss.

CERTIFICATE

2 COUNTY OF ANOKA:)

3 Be it known that I took the deposition of
4 DAVID HEWITT on the 16th day of February, 2023;

5 That I was then and there a Notary Public
6 in and for the County of Anoka, State of
7 Minnesota, and that by virtue thereof, I was duly
8 authorized to administer an oath;

9 That the witness, before testifying, was
10 by me first duly sworn to testify the whole truth
11 and nothing but the truth relative to said cause;

12 That the testimony of said witness was
13 recorded in shorthand by me and was reduced to
14 typewriting under my direction;

15 That the cost of the original transcript
16 has been charged to the party noticing the
17 deposition, unless otherwise agreed upon by Counsel,
18 and that copies have been made available to all
19 parties at the same cost, unless otherwise agreed
20 upon by Counsel;

21 That I am not related to any of the parties
22 hereto nor interested in the outcome of the action;

23 That the reading and signing of the
24 deposition by the witness and the Notice of Filing
25 were reserved.

WITNESS MY HAND AND SEAL this 1st day of
March, 2023.



Christine K. Herman, RPR, CRR

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 5672378

CASE NAME: Berry, Patricks, et al. v. Hennepin County, et al.

DATE OF DEPOSITION: 2/16/2023

WITNESS' NAME: David Hewitt

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

3/21/2023

Date

David Hewitt

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They have listed all of their corrections in the appended Errata Sheet;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

Errata Sheet**Deposition of David Hewitt, 2/16/2023****Assignment Reference No. 5672378****Statement of Changes Under Fed. R. Civ. P. 30(e)**

Page	Line	Change	Reason
15	5	Change "Singapore" to "St. Paul"	Transcription error
18	13	Change "Simpson House of Charity" to "House of Charity"	Misspoke
29	23	Change "nonrecurrent" to "nonrecurring"	Transcription error
32	12	Change "nonrecurrent" to "nonrecurring"	Transcription error
32	22	Change "nonrecurrent" to "nonrecurring"	Transcription error
33	1	Change "nonrecurrent" to "nonrecurring"	Transcription error
33	4	Change "at" to "and"	Transcription error
33	24	Change "nonrecurrent" to "nonrecurring"	Transcription error
60	23	Change "and" to "in"	Transcription error
159	24	Change "Diagnostic Assessment" to "Decision Assistance"	Misremembered
168	12	Change "usual" to "unusual"	Transcription error
194	8	Change "2202" to "2022"	Transcription error
261	22	Change "Cerne" to "Cerney"	Spelling error



 David Hewitt

 3/21/2023

 Date